RULES UNDER ACT III OF 1909

PRESIDENCY TOWNS INSOLVENCY

THE BOMBAY INSOLVENCY RULES, 1910

Notn. No. 40, High Court, 15th Jan. 1910, B. G., 1910, Pt. I, p. 104 as amended by Notns. No. 199, High Court, 23rd Mar. 1914, No. 202, High Court, 9th Apr. 1915, No. 415, High Court, 27th July 1915, No. 92, High Court, 8th Feb. 1916, No. 292, High Court, 22nd May 1916, No. 640, High Court, 17th Nov. 1916, No. 35, High Court, 16th Jan. 1920, No. 394, High Court, 16th Aug. 1920, and No. 59, High Court, 2nd Feb. 1921.

The following Rules and Forms made by the Honourable the Chief Justice and the Judges under the Presidency Towns Insolvency Act, 1909, have been sanctioned by the Government of Bombay :—

Preliminary.

Short title and commencement.

1. These Rules may be cited as "The Bombay Insolvency Rules, 1910". They shall come into operation on the 1st day of January 1910, and shall also, as far as practicable, and unless otherwise expressly provided, apply to all matters arising and to all proceedings taken in any matters under the Act, on or after that day.

Interpretation of term.

2. In these Rules, unless the context or subject matter otherwise requires—

(1) "The Act" means the Presidency Towns Insolvency Act, 1909.

(2) "The Court" includes an officer of the Court when exercising the powers of the Court pursuant to the Act or these Rules.

(3) "Creditor" includes a corporation or firm of creditors in partnership.

(4) "Debtor" includes a firm of debtors in partnership and includes any debtor proceeded against under the Act, whether adjudged insolvent or not.

(5) "Chief Clerk" means the principal ministerial officer of the Court.

(6) "The Judge" means the Judge to whom insolvency business is for the time being assigned under section 4 of the Act.

Use of forms in Appendix I.

3. The forms in Appendix I hereto, shall be used with such variations as circumstances may require.

Court and Chambers.

Matters to be heard in Court.

4. The following matters and applications shall be heard and determined in open Court, namely :—

(*a*) Application for protection orders.

(*b*) The public examination of insolvents.

(*c*) Applications to approve a composition or scheme of arrangement.

(*d*) Applications for orders of discharge.

(*e*) Applications to set aside or avoid any settlement, transfer, security or payment, or to declare for or against the title of the Official Assignee to any property adversely claimed.

(*f*) Applications for committal of any person to prison for contempt.

(*g*) Appeals against the rejection of a proof or application to expunge or reduce a proof where the amount in dispute exceeds Rs. 2,000.

Any other matter or application may be heard and determined in Chambers.

Adjournment from officer to Judge.

5. Any matter which an officer of the Court empowered under Section 6 of the Act has jurisdiction to determine shall be adjourned to be heard before the Judge—

(*a*) If all the parties require it.

(*b*) If any party or applicant on an *ex parte* application requires it, and the officer thinks that it involves a question of difficulty on the ground of novelty or otherwise.

(*c*) If the Judge shall either specially or by any particular direction applicable to the particular case, so direct.

Adjournment from Chambers to Court and *vice versa*.

6. Subject to the provisions of this Act and these Rules, any matter or application may at any time, if the Judge (or as the case may be the officer empowered under Section 6) thinks fit, be adjourned from Chambers to Court or from Court to Chambers; and if all the contending parties require any matter or application to be adjourned from Chambers into Court, it shall be so adjourned.

Proceedings.

Proceedings how instituted.

7. (1) Every proceeding in Court under this Act shall be dated and shall be intituled "In Insolvency" with the name of the matter to which it relates.

(2) All applications and orders shall be intituled *ex parte* the applicant.

(3) A petition instituting proceedings in a matter shall, on presentation to the Court, be assigned a distinctive number by the Chief Clerk, and all subsequent proceedings in the same matter shall bear the same number.

(4) Form No. 1 in Appendix I shall be used with such variations or additions as circumstances may require.

Written or printed proceedings.

8. All petitions, schedules, affidavits, applications and other proceedings presented to the Court shall be written, type-written or printed, fairly and legibly on durable foolscap paper or other paper similar to it in size and quality bookwise and with an inner margin of about an inch and a quarter wide. The writing or printing shall be on both sides of the paper, and numbers shall be expressed in figures.

Records of the Court.

9. All proceedings of the Court shall remain on record in the Court, so as to form a complete record of each matter, and they shall not be removed for any purpose, except for the use of the officers of the Court, or by special direction of the Judge or Chief Clerk; but they may at all reasonable times be inspected by the Official Assignee, the debtor and any creditor who has proved, or any person on behalf of the Official Assignee, debtor or any such creditor.

Notices to be in writing.

10. All notices required by the Act or these Rules shall be in writing, unless these Rules otherwise provide, or the Court shall in any particular case otherwise order.

Process to be sealed.

11. All summonses, petitions, notices, orders, warrants, and other process issued by the Court shall be sealed.

Meeting summoned by the Court.

12. Where the Court orders a general meeting of creditors to be summoned it shall be summoned as the Court directs, and in default of any direction by the Court, the Chief Clerk shall transmit a sealed copy of the order to the Official Assignee, and the Official Assignee shall not less than seven days before such meeting send a copy of the order to each creditor at the address given in his proof, or when he shall not have proved, the address given in the list of creditors by the insolvent or such other address as may be known to him.

Office copies.

13. All office copies of petitions, proceedings, affidavits, books, papers and writings or any part thereof required by the Official Assignee or by any insolvent or by any creditor or by the solicitor of any such Official Assignee, insolvent or creditor shall be provided by the Chief Clerk and shall, except as to figures, be fairly written at length and be sealed and delivered out without any unnecessary delay and in the order in which they shall have been bespoken.

Use of file by Official Assignee.

14. Where in the exercise of his functions under the Act the Official Assignee requires to inspect or use the file of proceedings in any matter, the Chief Clerk shall (unless the file is at the time required for use in Court or by him) on request transmit the file of proceedings to the Official Assignee.

Filing, gazetting, etc.

15. (1) The Chief Clerk shall file a copy of each issue of the *Gazette of India* and the local Official Gazette, and whenever the Gazette contains any advertisement relating to any matter under the Act, the Chief Clerk shall file with the proceedings in the matter a memorandum which shall be in the Form No. 109, in Appendix I, referring to and giving the date of such advertisement.

(2) In the case of an advertisement in a local paper the Chief Clerk shall, in like manner, file a memorandum referring to and giving the date of such advertisement.

(3) For this purpose one copy of each local paper in which any advertisement relating to any matter under the Act in such Court

is inserted, shall be left with the Chief Clerk by the person inserting the advertisement.

(4) The memorandum by the Chief Clerk shall be *prima facie* evidence that the advertisement to which it refers was duly inserted in the issue of the " Gazette " or paper mentioned in it.

Motion and Practice.

Application to be by motion.

16. Every application to the Court (unless otherwise provided by these rules or the Court shall in any particular case otherwise direct) shall be made by motion supported by affidavit.

Notice of motion and *ex parte* applications.

17. When any party other than the applicant is affected by the motion, no order shall be made unless upon the consent of such party duly shown to the Court, or upon proof that notice of the intended motion and a copy of the affidavit in support thereof have been duly served upon such party: provided that the Court, if satisfied that the delay caused by proceeding in the ordinary way would or might entail serious mischief, may make any order *ex parte* upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court may think just, and any party affected by such order may move to set it aside.

Length of notice.

18. Unless the Court gives leave to the contrary, notice of motion shall be served on any party to be affected thereby not less than 4 days before the day named in the notice for hearing the motion. An application for leave to serve short notice of motion shall be made *ex parte* and the fact that short notice has been allowed shall be stated in the notice of motion.

Affidavits against motion.

19. Where a respondent intends to use affidavits in opposition to a motion he shall deliver copies of such affidavits to the applicant not less than two days before the day appointed for the hearing.

Notice not served on all proper parties.

20. If on the hearing of any motion or application the Court shall be of opinion that any person to whom notice has not been given, ought to have, or to have had, such notice, the Court may either dismiss the motion or application or adjourn the hearing thereof, in order that such notice may be given upon such terms as the Court shall think fit.

Filing affidavits on motion.

21. Every affidavit to be used in supporting or opposing any opposed motion shall be filed with the Chief Clerk not later than the day before the day appointed for the hearing.

Notice of motion to be filed.

22. A party intending to move shall, not later than four o'clock on the day previous to the day appointed for the hearing, deliver to the Chief Clerk a copy of his notice of motion. There shall be indorsed on such copy the name of the Applicant's Attorney if any. Every notice of motion shall be entered by the Chief Clerk in a list for hearing on the day appointed in such notice.

23. If within one week from the making of an order of adjudication, order annulling adjudication, order on application to approve a composition or scheme, order annulling a composition or scheme or order on application for discharge, such order has not been completed, it shall be the duty of the Chief Clerk to prepare and complete such order: provided that if in any case the Judge shall be of opinion that the provisions of this Rule ought not to apply, he may so order; and provided also that where an order of discharge is granted subject to the condition that judgment shall be entered against the insolvent, nothing in this Rule shall require the Chief Clerk to prepare and complete the order until the insolvent has given consent, in the prescribed form, to judgment being entered against him.

Preparation of orders.

24. A person who has the carriage of an order shall obtain from the Chief Clerk an appointment to settle the order, and shall give reasonable notice of the appointment to all persons who may be affected by the order, or to their attorneys.

Notice of appointment to settle order.

Security in Court.

25. Except when these Rules otherwise provide, where a person is required to give security, such security shall be in the form of a bond with one or more surety or sureties to the person proposed to be secured.

Security by bond.

26. The bond shall be taken in a penal sum, which shall not be less than the sum for which security is to be given and probable costs, unless the opposite party consents to it being taken for a less sum.

Amount of bond.

27. Where a person is required to give security he may in lieu thereof lodge in Court a sum equal to the sum in question in respect of which security is to be given and the probable costs of the trial of the question together with a memorandum to be approved of by the Chief Clerk and to be signed by such person, his solicitor, or agent, setting forth the conditions on which the money is deposited.

Deposit in lieu of bond.

28. In all cases where a person proposes to give a bond by way of security, he shall serve by post or otherwise, on the opposite party and on the Chief Clerk notice of the proposed sureties which shall be in the Form No. 11 in Appendix I. The Chief Clerk shall forthwith give notice to both parties of the time and place at which he proposes that the bond shall be executed, and shall state in the notice that should the proposed obligee have any valid objection to make to the sureties or either of them, it must be made at that time.

Notice of sureties.

29. The sureties shall make an affidavit of their sufficiency (which shall be in the Form No. 12 in Appendix I) unless the opposite party shall dispense with such affidavit, and such sureties shall attend the Court to be cross-examined if required.

Justification by sureties.

30. The bond shall be executed and attested in the presence of the Chief Clerk or of the Official Assignee.

Execution of bond.

31. Where a person makes a deposit of money in lieu of giving a bond, the Chief Clerk shall forthwith give notice to the person to whom the security is to be given of such deposit having been made.

Notice of deposit.

Affidavits.

32. The Rules of the High Court of Bombay 1909 relating to affidavits shall apply to affidavits used in insolvency matters, with such variations as the nature of the case may require.

Affidavits.

Discovery of Insolvent's Property.

33. Every application to the Court under section 36 of the Act shall be in writing, and shall state shortly the grounds upon which the application is made. Where the application is made on behalf of the Official Assignee it need not be verified by affidavit.

Applications for discovery.

33A. A summons under section 36 of the Act shall be in the Form No. 93 in Appendix I hereto, with such variations as circumstances may require.

Form of summons.

Appropriation of Pay or Salary or Income.

34. Where the Official Assignee or a creditor intends to apply to the Court for an appropriation order under section 60 of the Act, he shall give to the insolvent notice of his intention to do so. Such notice shall specify the time and place fixed for hearing the application and shall state that the insolvent is at liberty to shew cause against such order being made. The notice shall be in the Form No. 85 in Appendix I hereto, with such variations, as circumstances may require.

Notice to insolvent of application.

35. Where an order is made under section 60 of the Act the Chief Clerk shall give to the Official Assignee a sealed copy of the order, who shall communicate the same to the chief of the department or other person under whom the pay or salary or income is enjoyed.

Copy of order to department.

36. Where an order has been made for the payment by an insolvent or by his employer for the time being, of a portion of his salary or income, the insolvent may, upon his ceasing to receive a salary or income of the amount he received when the order was made, apply to the Court to rescind the order or to reduce the amount ordered to be paid by him to the Official Assignee.

Review of order.

Warrants, Arrests and Commitments.

37. A warrant of seizure, or a search warrant, or any other warrant issued under the provisions of the Act shall, if granted to an officer of the Court be addressed to the Sheriff or such other officer of the Court as the Court may in each case direct.

To whom warrants addressed.

Custody and production of insolvent.

38. Where an insolvent is arrested under a warrant issued under section 36 of the Act he shall be given into the custody of the jailor or keepers of the prison mentioned in the warrant, who shall produce such insolvent before the Court as it may from time to time direct and shall safely keep him until such time as the Court shall otherwise order; and any books, papers, moneys and goods in the possession of the insolvent which may be seized shall forthwith be lodged with the Official Assignee.

Applications to commit.

39. An application to the Court to commit any person for contempt of Court shall be supported by affidavit and shall be filed with the Chief Clerk.

Notice and hearing of application.

40. Subject to the provisions of the Act and of the Rules, upon an application to commit, the Court shall fix a time and place for the Court to hear the application, notice whereof shall be personally served on the person sought to be committed, not less than three days before the day fixed for the hearing of the application: provided that in any case in which the Court may think fit, the Court may allow substituted service of the notice by advertisement or otherwise, or shorten the length of notice to be given.

Suspension of issue of Committal order.

41. Where an order of committal is made against an insolvent for disobeying any order of the Court or of the Official Assignee to do some particular act or thing, the Court may direct that the order of committal shall not be issued: provided that the insolvent complies with the previous order within a specified time.

Committal of contumacious insolvent or witness.

42. (1) If an insolvent or witness examined before the officer empowered under section 6 of the Act refuses to answer to the satisfaction of such officer any question which he may allow to be put, such officer shall report such refusal in a summary way to the Judge, and upon such report being made the insolvent or witness in default shall be in the same position and be dealt with in the same manner as if he had made default in answering before the Judge.

(2) The report of such officer shall be in writing, but without affidavit, and shall set forth the question put and the answer (if any) given by the insolvent or witness.

(3) Such officer shall, before the conclusion of the examination at which the default in answering is made, name the time and the place when the default will be reported to the Judge; and upon receiving the report, the Judge may take such action thereon as he shall think fit. If the Judge is sitting at the time when the default in answering is made, such default may be reported immediately.

(4) The report of such officer as aforesaid may be in the Form No. 15 in Appendix I hereto.

Service and execution of Process.

Address of attorney for service.

43. Every attorney suing out or serving any petition, notice, summons, order, or other document, shall indorse thereon his name or firm and place of business in Bombay which shall be called his address for service. All notices, orders, documents, and other written communications which do not require personal service shall be deemed to be sufficiently served on such attorney if left for him at his address for service.

Hours for service.

44. Service of notices, orders, or other proceedings shall be effected before the hour of six in the afternoon, except on Saturdays, when it shall be effected before the hour of two in the afternoon. Service effected after six in the afternoon of any week day, except Saturday, shall for the purpose of computing any period of time subsequent to such service be deemed to have been effected on the following day. Service effected after two in the afternoon on Saturday shall, for the like purpose, be deemed to have been effected on the following Monday.

Duties of officers, etc.

45. It shall be the duty of such officer as the Court may direct, to serve such orders, summonses, petitions, and notices as the Court may require him to serve, to execute warrants and other process, to attend any sittings of the Court (but not sittings in Chambers), and to do and perform all such things as may be required of him by the Court.

But this Rule shall not be construed to require any order, summons, petition, or notice to be served by an officer of the Court which is not specially by the Act or these Rules required to be so served, unless the Court shall in any particular proceeding by order specially so direct.

Service by Post.

46. Where notice of an order or other proceeding in Court may be served by Post it shall be sent by registered letter.

Enforcement of orders.

47. Every order of the Court may be enforced as if it were a decree of the Court to the same effect.

Rules relating to the Business of the Court.

Sittings of the Court.

48. The Court shall sit for the despatch of business upon the first and third Tuesday in every month or upon such other days as may be necessary and may from time to time be fixed by the Chief Justice. When the first or third Tuesday in any month is a Court Holiday, the Court will sit upon the next working day of the same week.

Office of Chief Clerk.

49. The office of the Chief Clerk shall be kept open daily throughout the year for the transaction of business from 11 A.M. to 4-30 P.M. except on Sundays, Court Holidays and Saturdays during vacation : provided that during vacation on week days other than Saturdays the office shall be closed at 2 P.M.

Costs—Fees—Taxation of Costs.

50. (1) All bills of costs shall be taxed by the Taxing Officer of the High Court on its Original Side, and the Bombay High Court Rules relating to the taxation of costs shall apply to the taxation of such bills as far as circumstances will permit.

Taxation of bills of costs.

(2) Where an estate is ordered to be administered in a summary manner under section 106 of the Act, a lower scale of Attorneys' costs shall be allowed in all proceedings under the Act in which costs are payable out of the estate, namely, three-fifths of the charges ordinarily allowed, disbursements being added.

51. The fees and percentages set out in Appendix II hereto shall be charged and received by the Chief Clerk, Sheriff and Official Assignee respectively upon the several proceedings, documents and matters in the said Appendix specified as chargeable.

Fees and percentages.

52. The assets in every matter remaining after payment of the actual expenses incurred in realizing any of the assets of the insolvent shall, subject to any order of the Court, be liable to the following payments which shall be made in the following order of priority, namely :—

Priority of costs and charges payable out of the estate.

First.—The actual expenses incurred by the Official Assignee in protecting the property and assets of the insolvent or any part thereof, and any expenses incurred by him or by his authority in carrying on the business of the insolvent.

Next.—Any fees payable to or costs, charges or expenses incurred or authorized by the Official Assignee.

Next.—The balances of any deposits lodged with the Official Assignee under these Rules.

Next.—The remuneration of the special manager (if any).

Next.—The remuneration of the Official Assignee.

Next.—Any allowance made to the insolvent pursuant to an order of the Court.

Next.—Any costs directed by the Court to be paid out of the estate.

Next.—Any sums deposited under Rules 55 and 72.

Insolvency Petition.

53. Every petition shall be fairly written or printed or partly written and partly printed and no alteration, interlineations or erasures shall be made without the leave of the Chief Clerk, except so far as may be necessary to adapt a printed form to the circumstances of the particular case. A debtor's petition shall be in Form No. 2 and a creditor's petition shall be in Form No. 3 in Appendix I, hereto, with such variations as circumstances may require. A debtor's petition shall also state whether any previous petition has been presented to the Court either by or against him, with particulars of any such petition and the manner in which it was disposed of.

Form of petition.

54. Every insolvency petition shall be attested. If it be attested in British India, the witness must be an Attorney, Vakil, Pleader or Justice of the Peace or the Official Assignee or the Chief Clerk or the Head Clerk of the Official Assignee or Chief Clerk. If it be attested out of British India, the witness must be a Judge or Magistrate or a British Consul or Vice-Consul or a Notary Public.

Attestation.

55. (1) Upon the presentation of a petition either by the debtor or by a creditor, the petitioner shall deposit with the Chief Clerk the sum of Rs. 20 and such further sum as the Chief Clerk may, from time to time, require to cover the fees and expenses to be incurred by the Chief Clerk.

Deposit by petitioner.

(2) The Chief Clerk shall account for the money so deposited to the creditor, or as the case may be to the debtor's estate, and any sum so paid by a petitioning creditor shall be repaid to such creditor, so far as circumstances will permit, out of the proceeds of the estate in the priority prescribed by these Rules.

Creditor's Petition.

56. A petitioning creditor who is a resident abroad, or whose estate is vested in a trustee under any law relating to insolvency, or against whom a petition is pending under the Act, or who has made default of payment of any costs ordered by any Court to be paid by him to the debtor, may be ordered to give security for costs to the debtor.

Security for costs.

57. Every creditor's petition shall be verified by affidavit.

Verification.

58. Where the petitioning creditor cannot himself verify all the statements contained in the petition, he shall file in support of the petition the affidavit of some person who can depose to them.

Who to verify.

59. Where a petition is presented by two or more creditors jointly, it shall not be necessary that each creditor shall depose to the truth of all the statements, which are within his own knowledge, but it shall be sufficient that each statement in the petition is deposed to by someone within whose knowledge it is.

Joint petitioners.

Hearing of Petition.

60. If service of a creditor's petition shall be ordered by the Court, the following provisions shall apply :—

Proceedings on petition if service required.

(*a*) The petition shall not be heard until the expiration of eight days from the service thereof, unless the Court otherwise directs.

(*b*) The Chief Clerk shall appoint the time and place at which the petition shall be heard and notice thereof shall be written on the petition and sealed copies, and where the petition has not been served, the Chief Clerk may, from time to time, alter the first day so appointed and appoint another day and hour.

(*c*) Where there are more respondents than one to a petition, the provisions as to service shall be observed with respect to each respondent, but where all the respondents have not been served, the petition may be heard separately or collectively as to the respondents or such of the respondents as has or have been served, and separately or collectively as to the respondents not then served, according as service upon them is effected.

(*d*) Where a debtor intends to shew cause against a petition, he shall file his affidavits with the Chief Clerk and send copies thereof to the petitioner three days before the day on which the petition is to be heard.

Service of petition.

61. Where the Court directs that a creditor's petition shall be served upon a debtor, such service shall be effected by an officer of the Court or by the creditor or his Attorney, or by some person in their employ, by delivering to the debtor a sealed copy of the filed petition: provided that if personal service cannot be effected, the Court may extend the time for hearing the petition, or if the Court is satisfied by affidavit or other evidence that the debtor is keeping out of the way to avoid such service, or service of any other legal process, or that for any other cause prompt personal service cannot be effected, it may order substituted service to be made by delivery of the petition to some adult inmate at his usual or last known residence or place of business, or by registered letter or in such other manner as the Court may direct, and that such petition shall then be deemed to have been duly served on the debtor.

Proof of Service.

62. Where the Court orders service of the petition on the debtor, such service shall be proved by affidavit, with a sealed copy of the petition attached, which shall be filed in Court forthwith after the service.

Service out of jurisdiction.

63. Where the Court orders service of a petition on a debtor petitioned against who is not within the limits of the Original Civil Jurisdiction of the Court, the Court may order service to be made within such time and in such manner and form as it shall think fit.

Death of debtor before service of petition.

64. If a debtor upon whom the Court has ordered service of an insolvency petition dies before service thereof, the Court may order service to be effected on the legal representatives of the debtor, or on such other persons as the Court may think fit.

Non-appearance of creditor.

65. If any creditor neglects to appear on his petition, no subsequent petition, against the same debtor or debtors, or any of them, either alone or jointly with any other person, shall be presented by the same creditor in respect of the same act of insolvency without the leave of the Court.

Personal attendance of creditor—when dispensed with.

66. The personal attendance of the petitioning creditor and of the witnesses to prove the debt and act of insolvency or other material statements, upon the hearing of the petition may, if the Court shall think fit, be dispensed with.

67. Where proceedings on a petition have been stayed for the trial of the question of validity of the petitioning creditor's debt and such question has been decided in favour of the validity of the debt, the petitioning creditor may apply to the Chief Clerk to fix a day on which further proceedings on the petition may be heard, and the Chief Clerk, on production of a certified copy of the judgment of the Court in which the question was tried, shall give notice to the petitioner by post of the time and place fixed for the hearing of the petition, and a like notice to the debtor at the address given in his notice to dispute.

Proceedings after trial of disputed question.

68. Where proceedings on a petition have been stayed for the trial of the question of the validity of the petitioning creditor's debt, and such question has been decided against the validity of the debt, the debtor may apply to the Chief Clerk to fix a day on which he may apply to the Court for the dismissal of the petition with costs and the Chief Clerk, on the production of a certified copy of the judgment of the Court in which the question was tried, shall give notice to both the petitioner and the debtor by post of the time and place fixed for the hearing of the application.

Application to dismiss.

69. An application for extension of time for the adjourned hearing of a petition shall be in writing, but need not be supported by affidavit unless in any case the Court shall otherwise require.

Application for extension of time.

70. On an application for extension of time for the adjourned hearing of a petition, no order shall be made for an extension beyond fourteen days from the day fixed for the adjourned hearing of the petition, unless the Court is satisfied that such extension of time will not be prejudicial to the general body of creditors. Any costs occasioned by such application shall not be allowed out of the estate unless so ordered by the Court.

Order for extension of time.

Interim Receiver.

71. Where an order is made appointing the Official Assignee to be *Interim* Receiver of the property of the debtor, such order shall bear the number of the petition in respect of which it is made and shall state the locality of the property of which the Official Assignee is ordered to take possession.

Form and contents of order.

72. Before any order is issued, the person who has made the application therefor shall deposit with the Official Assignee the sum of Rs. 100 towards the commission of the Official Assignee and for the expenses which may be incurred by him.

Deposit.

73. If the sum of Rs. 100 shall prove to be insufficient, the person on whose application the order has been made shall, from time to time, deposit with the Official Assignee such additional sum as the Court may, on the application of the Official Assignee from time to time, direct; and such sum shall be deposited within 24 hours after the making of such order. If such additional sum shall not be so deposited the order appointing the *Interim* Receiver may be discharged by the Court.

Further deposit if necessary.

74. If an order appointing an *Interim* Receiver is followed by an order of adjudication, the deposits made by the creditor on whose application such *Interim* Receiver was appointed shall be repaid to him (except and so far as such deposits may be required by reason of insufficiency of assets for the payment of the commission payable to and the expenses incurred by the *Interim* Receiver) out of the proceeds of the estate in order of priority prescribed by these rules.

Repayment of deposit.

75. Where, after an order has been made appointing an *Interim* Receiver, the petition is dismissed, the Court shall, upon application to be made within 21 days from the date of the dismissal thereof, adjudicate with respect to any damages or claim thereto arising out of the appointment and shall make such order as the Court thinks fit, and such decision or order shall be final and conclusive between the parties, unless the order be appealed from.

Damages if petition dismissed.

76. The Court, if it appoints the Official Assignee *Interim* Receiver of an estate, shall confer upon him all such powers as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits and the execution of documents as the debtor himself has or such of those powers as the Court may think fit.

Powers of *Interim* Receiver.

Proceedings when the debtor is in prison.

77. When the debtor is in prison, these Rules shall be subject to the following modifications.

Proceedings when debtor in prison.

78. The debtor's petition and schedule (if any) shall be forwarded by the jailor or keeper of the prison to the Chief Clerk, together with a certificate of the cause and period of detention of the debtor.

Petition to be forwarded by Jailor.

79. Where a creditor applies for an order of adjudication against a debtor in prison, if the Court shall order service of the petition on the debtor, the Chief Clerk shall transmit a copy of the petition to the jailor for service on the debtor.

Service of creditor's petition.

80. On the application of the Official Assignee or the debtor or a creditor or for the purpose of any proceedings in Court, the Chief Clerk may issue an order to the jailor to produce the debtor before the Official Assignee or the Court. If the proceedings are adjourned, the Chief Clerk shall endorse on the order a direction to the jailor to produce the debtor on the adjourned day. The application of the debtor shall be sent by the jailor to the Chief Clerk.

Production of debtor.

81. Service of all notices, petitions and processes upon the debtor shall be made by delivering the same to the jailor, whose receipt therefor shall be sufficient proof of service on the debtor.

Notices, etc., how served.

Service of Proceedings.

Service where debtor abroad.

82. Where a debtor against whom an order of adjudication has been made is not in British India, the Court may order service on the debtor of the order of adjudication, order to attend the public examination or any adjournment thereof or of any other order made against, or summons issued for the attendance of, the debtor, to be made within such time and in such manner and form as it shall think fit.

Proceedings on filing of debtor's petition.

Insolvent to lodge all books, etc., with Official Assignee.

83. Every debtor who shall file his petition shall lodge forthwith in the office of the Official Assignee all books, papers, writings, accounts and vouchers relating to his estate with a list thereof signed by himself and also a statement of his moveable and immoveable estate; if the debtor shall be in jail such list and statement as aforesaid shall be forwarded by the jailor.

Certificate of Official Assignee.

84. On the debtor complying with the provisions of rule 83, the Official Assignee shall issue a certificate certifying the same, and no order of adjudication shall be made on the petition unless such certificate be produced.

Notice of order to be advertised.

84A. The Chief Clerk shall send notice of every order of adjudication made on a creditor's petition to such two English daily papers and two Vernacular daily papers as the Court may, from time to time, direct or, in default of such direction, as he may select.

Form of order and contents.

85. (1) An order of adjudication shall be in the Form No. 26 in Appendix I hereto, with such variations as circumstances may require.

(2) Where any adjudication order is made on a creditor's petition, there shall be stated in the adjudication order the nature and date or dates of the act or acts of insolvency upon which the order has been made. Every order shall contain at the foot thereof a notice requiring the debtor to attend on the Official Assignee forthwith on the service thereof at the place mentioned therein.

Transmission of copy to Official Assignee.

86. A copy of every adjudication order, and order for the appointment of the Official Assignee as *Interim* Receiver of the debtor's property, sealed with the seal of the Court, shall forthwith be sent by the Chief Clerk to the Official Assignee.

Service of adjudication order.

87. The Chief Clerk shall cause a copy of the order of adjudication, sealed with the seal of the Court, to be served on the debtor.

Stay of proceedings.

88. There may be included in an adjudication order an order staying any suit or proceeding against the debtor or staying proceedings generally.

Annulment of Adjudication.

89. An application to the Court to annul an order of adjudication shall not be heard except upon proof that notice of the intended application and a copy of the affidavits in support thereof have been duly served upon the Official Assignee. Unless the Court gives leave to the contrary, notice of any such application shall be served on the Official Assignee not less than seven days before the day named in the notice for hearing the application. Pending the hearing of the application, the Court may make an *interim* order staying such of the proceedings as it thinks fit.

Application to annul adjudications or stay proceedings thereunder.

89 (A). (1) The Chief Clerk shall send notice of an order annulling an adjudication to such local paper (if any) as the Court may in each case direct.

(2) An order annulling an adjudication may be in the Form No. 28 in Appendix I hereto, with such variations as circumstances may require.

(3) When an adjudication is annulled, the Chief Clerk shall forthwith give notice thereof to the Official Assignee.

Protection Order.

90. Every debtor, intending to apply for a protection order, shall give four days' previous notice to the Official Assignee and also to each execution creditor unless the Court shall think fit to dispense with notice to any of such creditors. Every application for protection shall be made by petition setting forth the grounds on which the application is made.

Application for protection.

Schedule.

91. Every insolvent shall be furnished by the Chief Clerk with forms and instructions for the preparation of his Schedule. The Schedule (which shall be made out in duplicate and one copy of which shall be verified) shall be in the Form No. 23 in Appendix I hereto, with such variations or additions as circumstances may require. The insolvent shall file with the Chief Clerk the verified Schedule, and the duplicate Schedule with the Official Assignee.

How made out.

92. Where an insolvent requires an extension of the time for the filling of his Schedule, he shall apply to the Official Assignee, who may, if he thinks fit, give a written certificate extending such time, which certificate shall be filed with the Chief Clerk and shall render an application to the Court unnecessary.

Extension of time.

93. An insolvent shall not be at liberty to amend his Schedule unless he shall produce to the Chief Clerk a certificate signed by the Official Assignee containing the proposed amendment in the Form No. 110 in Appendix I hereto.

Amendment of Schedule.

94. The Official Assignee, in causing a Schedule to be prepared under the provisions of sub-section (4) of section 24 of the Act, shall follow, as far as circumstances will permit, Form No. 23 in Appendix I hereto.

Schedule prepared by Official Assignee.

Public examination of insolvent.

Time of holding public examination.

95. Where an order of adjudication has been made against an insolvent it shall be the duty of the Official Assignee to make an application to the Court to appoint a day and hour for holding the public examination of the insolvent, and upon such application being made, the Court shall by an order appoint the day and hour for such public examination and shall order the insolvent to attend the Court upon such day and at such hour.

Notice to creditors of examination.

96. Where any order is made appointing the time and place for holding the public examination of an insolvent, seven days before the day so appointed the Chief Clerk shall serve a copy of such order on the insolvent, and the Official Assignee shall give to the creditors notice of such order and of the time and place appointed thereby. The Official Assignee shall also send a notice of such order to such local paper, if any, as the Court may direct.

Adjournment *sine die.*

97. Where the Court is of opinion that an insolvent is failing to disclose his affairs, or where an insolvent has failed to attend the public examination or any adjournment thereof, or where an insolvent has not complied with any order of the Court in relation to his accounts, conduct, dealings, and property and no good cause is shown by him for such failure, the Court may adjourn the public examination *sine die* and may make such further or other order as the Court shall think fit.

Proceedings after adjournment *sine die.*

98. Where an examination has been adjourned *sine die*, and the insolvent desires to have a day appointed for proceeding with his public examination, the expenses of giving notice to creditors of the day to be appointed for proceeding with such examination shall, unless the Official Asssignee consents to the costs being paid out of the estate, be at the cost of the insolvent, who shall, before any day is appointed for proceeding with the public examination, deposit with the Official Assignee such sum as the Official Assignee shall think sufficient to defray the expenses aforesaid. The balance of the deposit after defraying the expenses aforesaid shall be returned to the insolvent.

Notice of proceeding after adjournment *sine die.*

99. In any case in which a public examination has been adjourned *sine die* and the Court afterwards makes an order for proceeding with such examination, notice to creditors of the time and place appointed for proceeding with such examination shall be sent by the Official Assignee and notice shall also be inserted in the local paper, if any, in which the notice of the first holding of the public examination was directed to be inserted, seven days before the day appointed.

Public examination of a person who is a lunatic, etc.

100. (1) An application for an order dispensing with the public examination of an insolvent or directing that the insolvent be examined in some manner or at some place other than usual, on the ground that the insolvent is a lunatic or suffers from mental or physical affliction, or

disability rendering him unfit to attend a public examination, or is a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, may be made by the Official Assignee or by any person who has been appointed by any Court having jurisdiction so to do to manage the affairs of or represent the insolvent or by any relative or friend of the insolvent who may appear to the Court to be a proper person to make the application.

(2) Where the application is made by the Official Assignee, it may be made *exparte* and the evidence in support of the application may be given by a report of the Official Assignee to the Court, the contents of which report shall be received as *prima facie* evidence of the matters stated therein.

(3) Where the application is made by some person other than the Official Assignee, it shall be made by motion of which notice shall be given to the Official Assignee and shall, except in the case of a lunatic so found by inquisition, be supported by affidavit.

(4) Where the application is made by any person other than the Official Assignee, he shall, before any order is made on the application, deposit with the Official Assignee such sum as the Official Assignee shall certify to be necessary for the expenses of the examination.

(5) The order to be made on the application shall be in the Form No. 18 or the Form No. 19 in Appendix I hereto, as the case may be, with such variations as circumstances may require.

Composition or Scheme.

Forms when proposal submitted by insolvent.

101. Where an insolvent intends to submit a proposal for a composition or a scheme, the *Forms of Proposal, Notice, and Report, Nos.* 50, 51, 52, 53, 54 and 55, in Appendix I hereto, with such variations as circumstances may require, shall be used by the Official Assignee for the purpose of the meeting of creditors for consideration of the proposal.

Application by insolvent or Official Assignee for approval of Court.

102. Where the creditors have accepted a composition or scheme subject to the provisions of section 29, sub-section (2), the Official Assignee or the insolvent may forthwith apply to the Court to fix a day for the hearing of an application for the approval of such composition or scheme. The Official Assignee shall not by making such application be deemed necessarily to approve of the composition or scheme.

Notice to Official Assignee.

102-A. Any person other than the Official Assignee who applies to the Court to approve of a composition or scheme shall, not less than seven days before the day appointed for hearing the application, send notice of the application to the Official Assignee.

Notice to creditors.

103. Whenever an application is made to the Court to approve of a composition or scheme, the Official Assignee shall, not less than three days before the day appointed for hearing the application, send notice of the application to every creditor who has proved.

104. In every case of an application to the Court to approve of a composition or scheme, the report of the Official Assignee shall be filed with the Chief Clerk not less than three days before the day fixed for the hearing of the application.

Official Assignee's report to be filed.

105. On the hearing of any application to the Court to approve of a composition or scheme, the Court may, in addition to considering the report of the Official Assignee, hear the Official Assignee thereon.

Hearing.

106. No costs incurred by an insolvent of or incidental to an application to approve of a composition or scheme, shall be allowed out of the estate if the Court refuses to approve the composition or scheme.

Costs of application by debtor.

107. The Court before approving of a composition or scheme shall, in addition to investigating the other matters as required by the Act, require proof that the provisions of section 28, sub-sections (1) and (2), of the Act have been complied with. An order approving of a composition or scheme shall be in the Form No. 41 in Appendix I, hereto, with such variations as circumstances may require.

Evidence and order.

108. Where a composition or scheme has been duly accepted by the creditors, such composition or scheme shall not be approved by the Court unless the Court is satisfied, on the report of the Official Assignee, that provision is made for payment of all proper costs, charges and expenses of and incidental to the proceedings and all fees, commission and percentages to the Official Assignee and the Chief Clerk under the scale of fees, commission and percentages in force for the time being.

Provision in composition or scheme for costs and charges.

109. At the time a composition or scheme is approved of, the Court may correct or supply any accidental or formal slip, error or omission therein, but no alteration in the substance of the composition or scheme shall be made.

Correction of formal slips, etc.

109-A. When a composition or scheme is approved of, the Official Assignee shall, on payment of all proper costs, charges and expenses of and incidental to the proceedings and all fees, commission and percentages payable to the Official Assignee and the Chief Clerk, forthwith put the insolvent (or as the case may be the trustee under the composition or scheme or the other person or persons to whom under the composition or scheme the property of the insolvent is to be assigned) into possession of the insolvent's property. The Court shall also annual the order of adjudication.

Proceedings if scheme approved.

110. In every case of a composition or scheme in which a trustee is not appointed, or if appointed declines to act or becomes incapable of acting or is removed, the Official Assignee shall, unless and until another trustee is appointed by the creditors, be the trustee for the purpose of administering the debtor's property and carrying out the terms of the composition or scheme, as the case may be.

Cases in which the Official Assignee is to be trustee.

Security by trustee under composition or scheme.

111. Where under a composition or scheme a trustee is appointed, he shall, after the composition or scheme has been approved by the Court, if the Court think it necessary, give security to the satisfaction of the Court. If the trustee fail to give such security within the time required, he may be removed by the Court.

Default in payment of composition.

112. Where a composition or scheme has been approval and default is made in any payment thereunder either by the insolvent or the trustee (if any), no action to enforce such payments shall lie, but the remedy of any person aggrieved shall be by application to the Court.

Annulment of composition or scheme.

113. Where a composition or scheme is annulled, the trustee under the composition or scheme shall account to the Official Assignee for any money or property of the insolvent which has come to his hands, and pay over to the Official Assignee any money or property which has not been duly administered.

Disputed claims under composition or scheme.

114. When under any composition or scheme provision is made for the payment of any moneys to creditors entitled thereto and any claim, in respect of which a proof has been lodged, is disputed, the Court may, if it shall think fit, direct that the amount which would be payable on such claim if established shall be secured in such manner as the Court may direct, until the determination of the claim so disputed; and on the determination thereof, the sum so secured shall be paid as the Court may direct.

Proof of debts in composition or scheme.

115. Every person claiming to be a creditor under any composition or scheme, who has not proved the debt before the approval of such composition or scheme, shall lodge his proof with the trustee thereunder, if any, or if there is no such trustee, with the Official Assignee who shall admit or reject the same. And no creditor shall be entitled to enforce payment of any part of the sums payable under a composition or scheme unless and until he has proved his debt.

Proof of debts.

Form of Proof.

116. A creditor's proof shall be in the Form No. 45 in Appendix I, hereto, with such variations as circumstances may require.

Workmen's wages.

117. In any case in which it shall appear from the insolvent's schedule that there are numerous claims for wages by workmen and others employed by the insolvent, it shall be sufficient if one proof for all such claims is made either by the insolvent or his foreman or some other person on behalf of all such creditors. Such proof shall be in the Form No. 46 in Appendix I, hereto, and shall have annexed thereto a schedule setting forth the names of the workmen and others and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said workmen and others but shall be stamped with one stamp as an ordinary proof.

Procedure where creditor appeals.

118. The Official Assignee shall, within two days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file such proof with the Chief Clerk, with a memorandum thereon of his disallowance thereof. After the appeal has been heard by the Court the proof, unless wholly disallowed, shall be given back to the Official Assignee.

Time for admission or rejection of proofs by Official Assignee.

119. Subject to the power of the Court to extend the time, the Official Assignee shall, within thirty days after receiving a proof in writing, either admit or reject it wholly or in part, or require further evidence in support thereof, and give notice of his decision rejecting a proof wholly or in part to the creditor affected thereby: Provided that where the Official Assignee has given notice of his intention to declare a dividend, he shall, within seven days after the date mentioned in such notice as the latest day up to which proofs must be lodged, examine and in writing admit or reject every proof which has not been already admitted or rejected.

Notice of admission of proof.

120. Where a creditor's proof has been admitted, the notice of dividend shall be sufficient notification to such creditor of such admission.

Costs of appeals from decision as to proofs.

121. The Official Assignee shall, in no case, be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part.

Dividends.

Notice of intended dividend.

122. Not more than two months before declaring a dividend, the Official Assignee shall cause notice of his intention to do so to be published twice in the local Official Gazette in the English and one vernacular language and in one English and one vernacular daily paper, and, at the same time, shall give notice to such of the creditors mentioned in the insolvent's schedule as have not proved their debts. Such notice shall specify the latest date up to which proofs must be lodged which shall not be less than fourteen days from the date of such notice.

(2) Where any creditor after the date mentioned in the notice of intention to declare a dividend as the latest date upon which proofs may be lodged, appeals against the decision of the Official Assignee rejecting a proof, such appeal shall, subject to the power of the Court to extend the time in special cases, be commenced and notice thereof shall be given to the Official Assignee within seven days from the date of the decision against which the appeal is made, and the Official Assignee shall, in such case, make provision for the dividend upon such proof and the probable costs of such appeal in the event of the proof being admitted. When no appeal has been commenced within the time specified in this rule, the Official Assignee shall exclude all proofs which have been rejected from participation in the dividend.

(3) Immediately after the expiration of the time fixed by this rule for appealing against the decision of the Official Assignee, he shall proceed to declare a dividend and shall cause notice of the same to be published in the

local Official Gazette and in one English and one vernacular daily paper and shall also send a notice of dividend to each creditor whose proof has been admitted, accompanied, if required by any creditor, by a statement as to the particulars of the estate.

(4) The notice shall be in the Forms Nos. 81, 82 and 83 in Appendix I hereto with such variations as circumstances may require.

(5) If it becomes necessary, in the opinion of the Official Assignee and the Committee of Inspection (if any), to postpone the declaration of the dividend beyond the prescribed limit of two months, the Official Assignee shall give a fresh notice of his intention to declare a dividend by advertisement in the Gazette, but it shall not be necessary for the Official Assignee to give fresh notice to such of the creditors mentioned in the Insolvent's Schedule of affairs as have not proved their debts. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

Production of bills, notes, etc.

123. Subject to the power of the Court in any other case on special grounds to order production to be dispensed with, every bill of exchange, *hoondee*, promissory note or other negotiable instrument of security upon which proof has been made, shall be exhibited to the Official Assignee before payment of dividend thereon, and the amount of dividend paid shall be indorsed on the instrument.

Interest on dividend.

124. The Official Assignee shall pay interest at the rate of 6 per cent. on any dividend ordered to be paid by him under the provision of section 74 of the Act.

Discharge.

Application.

125. An insolvent intending to apply for his discharge under section 38 of the Act shall produce to the Chief Clerk a certificate from the Official Assignee specifying the number of his creditors of whom the Official Assignee has notice (whether they have proved or not). The Chief Clerk shall not less than twenty-eight days before the day appointed for hearing the application give notice of the time and place of the hearing of the application to the Official Assignee and shall cause such notice to be published, once in the local Official Gazette, and once in one English and one vernacular paper, and shall also send such notice to each creditor not less than fourteen days before the day so appointed. Such notices shall be in the Forms Nos. 31 and 32 in Appendix I hereto.

Report of Official Assignee.

126. In every case of an application by an insolvent for his discharge, the report of the Official Assignee shall be filed with the Chief Clerk not less than seven days before the time fixed for the hearing of the application.

Evidence in answer to report.

127. Where an insolvent intends to dispute any statement with regard to his conduct and affairs contained in the Official Assignee's report, he shall, not less than two days before the hearing of the application for discharge, give notice in writing to the Official Assignee specifying the statements in the report, if any,

which he proposes at the hearing to dispute. Any creditor who intends to oppose the discharge of an insolvent on grounds other than those mentioned in the Official Assignee's report, shall give notice of the intended opposition, stating the grounds thereof, to the Chief Clerk, and the same shall be served on the insolvent not less than seven days before the hearing of the application.

Costs of application.

128. An insolvent shall not be entitled to have any of the costs of and incidental to his application for his discharge allowed to him out of his estate.

Conditional orders.

129. (1) Where the Court grants an order of discharge conditionally upon the insolvent consenting to judgment being entered against him by the Official Assignee for the balance or the part of any balance of the debts proveable in insolvency which is not satisfied at the date of the discharge, the order of discharge shall not be signed, completed or delivered out until the insolvent has given the required consent in the Form No. 38 in Appendix I hereto. The judgment shall be in the Form No. 39 in Appendix I hereto, with such variations as circumstances may require.

(2) If the insolvent does not give the required consent within 28 days of the making of the conditional order, the Court may on the application of the Official Assignee revoke the order or make such other order as the Court may think fit.

Order.

130. The order of the Court made on an application for discharge shall be dated on the day on which it is made, and shall take effect from the day on which the order is drawn up and signed; but such order shall not be delivered out or gazetted until after the expiration of the time allowed for appeal, or, if an appeal be entered, until after the decision of the Appellate Court thereon. The order shall be in one of the Forms Nos. 33, 34, 35, 36 and 37 in Appendix I hereto, with such variations as the case may require.

Gazetting order.

131. When the time for appeal has expired, or, as the case may be, when the appeal has been decided by the Court, the Chief Clerk shall cause the order to be gazetted.

Execution on judgment in case of conditional discharge.

132. (1) An application by the Official Assignee for leave to issue execution on a judgment entered pursuant to a conditional order of discharge shall be in writing, and shall state shortly the grounds on which it is made. When the application is lodged, the Chief Clerk shall fix a day for the hearing.

(2) The Official Assignee shall give notice of the application to the debtor not less than eight days before the day appointed for the hearing, and shall at the same time furnish him with a copy of the application.

Accounts of after-acquired property.

133. Where an insolvent is discharged subject to the condition that judgment shall be entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty until such judgment or con-

dition is satisfied, from time to time, to give the Official Assignee such information as he may require with respect to his earnings and after-acquired property and income, and not less than once a year to file with the Chief Clerk a statement showing the particulars of any property or income he may have acquired subsequent to his discharge.

Verification of statements of after-acquired property.

134. Any statement of after-acquired property or income filed by an insolvent whose discharge has been granted subject to conditions shall be verified by affidavit and the Official Assignee may require the insolvent to attend before the Court to be examined on oath with reference to the statements contained in such affidavit, or as to his earnings, income, after-acquired property or dealings. Where an insolvent neglects to file such affidavit or to attend the Court for examination when required so to do, or properly to answer all such questions as the Court may put or allow to be put to him, the Court may, on the application of the Official Assignee, rescind the order of discharge. The affidavit shall be in the Form No. 40 in Appendix I hereto, with such variations as circumstances may require.

Application for modification of order.

135. An insolvent shall give fourteen days' notice to the Official Assignee and to all his creditors of the day fixed for the hearing of any application to be made to the Court under Section 42, Sub-section (2) of the Act.

Procedure if discharge not applied for within 18 months.

136. Where an insolvent does not apply to the Court for his discharge under Section 38 of the Act for a period of eighteen months from the date of the order of adjudication, the Court, on the application of the Official Assignee or of a creditor or of its own motion, may annul the adjudication or make such order as it may think fit.

Notice of application under Section 41.

137. The Chief Clerk shall fix a day for the hearing of any application to be made to the Court by the Official Assignee or by a creditor under Rule 136 and notice of the intended application shall be given to the insolvent and also published in the local Official Gazette fourteen days before the day so fixed.

Procedure when the Court acts *suo motu*.

138. A similar notice shall be given and published when the Court desires to proceed of its own motion under Rule 136.

Renewed application for discharge.

139. When the Court refuses the discharge of an insolvent, it shall not permit him to renew his application until the expiry of two years from the date of such refusal.

Procedure on renewed application.

140. Where an insolvent is permitted to renew his application for discharge, the Court shall fix a day for the hearing of such renewed application and the Chief Clerk shall give notice to the Official Assignee and to all his creditors of the time and place of the hearing of the application, not less than fourteen days before the day so fixed.

Further report of Official Assignee.

141. The Official Assignee may, if he so wishes, file a further report regarding the conduct and affairs of the insolvent, and any creditor may appear and oppose such renewed application as aforesaid.

142. The provisions of Rules 126 and 127 shall apply to such further report of the Official Assignee and to such opposition by any creditor.

Rules 126 and 127 to apply to renewed application.

Proxies and voting letters.

143. (1) A general proxy shall be in Form No. 48, a special proxy in Form No. 49, in Appendix I hereto.

Form of proxies.

(2) A proxy shall be lodged with the Official Assignee not later than four o'clock on the day before the meeting or adjourned meeting, at which it is to be used.

(3) As soon as a proxy or voting letter has been used it shall be filed with the proceedings in the matter.

144. A proxy given by a creditor shall be deemed to be sufficiently executed if it is signed by any person in the employ of the creditor having a general authority to sign for such creditor or by the authorized agent for such creditor if resident abroad. Such authority shall be in writing, and shall be produced to the Official Assignee if required.

Signature of proxy.

145. The proxy of a creditor blind or incapable of writing in the English language may be accepted if such creditor has attached his signature or mark thereto in the presence of a witness, who shall add to his signature his description and residence; and provided that all insertions in the proxy are in the handwriting of the witness, and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request of the creditor and in his presence before he attached his signature or mark.

Filling in when creditor blind, etc.

146. No person shall be appointed a general or special proxy who is a minor.

Minors not to be proxies.

Meetings of Creditors.

147. Notice to an insolvent and to creditors of a meeting of creditors shall be in one of the Forms Nos. 56 and 65, in Appendix I hereto, with such variations as circumstances may require.

Form of Notice.

148. The Official Assignee shall send to the Chief Clerk a copy certified by him of every resolution of a meeting of creditors.

Copy of resolution for Chief Clerk.

149. A meeting of creditors shall not be competent to act for any purpose except the proving of debts and the adjournment of the meeting unless there are present or represented thereat at least three creditors, or all the creditors if their number does not exceed three, but only those creditors who are entitled to vote at the meeting shall be reckoned.

Quorum.

Proceedings by Company or Co-partnership.

150. An insolvency petition against any debtor to any company duly authorised to sue and be sued in the name of a public officer or agent of such company, may be presented by or sued out by such public officer

Public officer or agent of company, etc.

or agent as the nominal petitioner for and on behalf of such company or co-partnership, on such public officer or agent, filing an affidavit stating that he is such public officer or agent, and that he is authorised to present or sue out such petition.

Proceedings by or against a firm.

Firm signature how made.

151. Where any notice, declaration, petition or other documents is signed by a firm of creditors or debtors in the firm name the partner signing for the firm shall add also his own signature, *e.g.*, "Brown & Co. by James Green, a partner in the said firm".

Service on firm.

152. (1) Any notice or petition for which personal service is necessary shall be deemed to be duly served on all the members of a firm if it is served upon any one or more of the partners or at the principal place at which the partnership business is carried on within British India, upon any person having at the time of service the control or management of the partnership business there; and such service shall be deemed good service upon the firm whether all or any of the partners are within or without British India.

(2) Where a notice or petition to or against a firm is served in the manner provided by sub-rule (1) every person upon whom it is served shall be informed by notice in writing given at the time of such service whether he is served as a partner or as a person having the control or management of the partnership business, or in both characters, and in default of such notice, the person served shall be deemed to be served as a partner.

Debtors' petition by firm.

153. Where a firm of debtors file an insolvency petition the same shall contain the names in full of the individual partners, and if such petition is signed in the firm name, it shall be accompanied by an affidavit made by the partner signing the petition, showing that all the partners concur in the filing of the same.

Effect of order of adjudication against firm.

154. (1) An order of adjudication made against a firm shall operate as if it were an order of adjudication made against each of the persons who at the date of the order is a partner in that firm.

(2) Subsequent proceedings shall continue in the name of the firm so far as is practicable, but applications for discharge must be made by the partners individually.

Schedules.

155. In cases of partnership the insolvents shall submit a schedule of their partnership affairs and each insolvent shall submit a schedule of his separate affairs.

Joint and Separate Estates.

Acceptance of composition, etc., by joint and separate creditors.

156. The joint creditors and each set of separate creditors may severally accept compositions or schemes of arrangement. So far as circumstances will allow, a proposal accepted by joint creditors may be approved in the prescribed manner, notwithstanding that the proposals or proposal of some or one of the debtors made to their or his separate creditors may not be accepted.

157. Where proposals for compositions or schemes of arrangement are made by a firm and by the partners therein individually, the proposal made to the joint creditors shall be considered and voted upon by them apart from every set of separate creditors, and the proposal made to each set of separate creditors shall be considered and voted upon by such separate set of creditors apart from all other creditors. Such proposals may vary in character and amount. Where a composition or scheme is approved the order of adjudication shall be annulled only so far as it relates to the estate, the creditors of which have confirmed the composition or scheme.

Voting on proposals for composition, etc.

158. If any two or more of the members of a firm constitute a separate and independent firm, the creditors of such last mentioned firm shall be deemed to be a separate set of creditors and to be on the same footing as the separate creditors of any individual members of the firm. And where any surplus shall arise upon the administration of the assets of such separate or independent firm, the same shall be carried over to the separate estates of the partners in such separate and independent firm according to their respective rights therein.

Separate firms.

Lunatics.

159. (1) Where it appears to the Court that any debtor or creditor or other person who may be affected by any proceeding under the Act or these Rules, is a lunatic, not so found by inquisition (hereinafter called the lunatic), the Court may appoint such person as it may think fit to appear for, represent, or act for, and in the name of the lunatic, either generally, or in and for the purpose of any particular application or proceeding, or the exercise of any particular rights or powers which under the Acts and these Rules the lunatic might have exercised if he had been of sound mind. The appointment may be made by the Court either on an application made as hereinafter mentioned, or, if the Court thinks fit to do so, without any previous application.

Lunatics.

(2) An application to the Court to make an appointment under this Rule may be made by any person who has been appointed by any Court having jurisdiction so to do, to manage the affairs or property of, or to represent the lunatic, or by any relative or friend of the lunatic who may appear to the Court to be a proper person to make the application, or by the Official Assignee.

(3) The application may be made *ex parte* and without notice, but in any case in which the Court shall think it desirable, the Court may require such notice of the application as it shall think necessary to be given to the Official Assignee or to the petitioning Creditor, or to the person alleged to be a lunatic, or to any other person, and for that purpose may adjourn the hearing of the application.

(4) Where the application is made by some person other than the Official Assignee, it shall be supported by an affidavit of a duly qualified medical practitioner as to the physical and mental condition of the lunatic.

Where the application is made by the Official Assignee, it must be supported by a report of the Official Assignee, the contents of which shall be received as *prima facie* evidence of the facts therein stated.

(5) When a person has been appointed under this Rule, any notice under the Act and these Rules, served on, or given to, such person, shall have the same effect as if the notice had been served on or given to the lunatic.

Small Insolvencies.

Form of application.

160. An application by the Official Assignee that the estate of an insolvent may be ordered to be administered in a summary manner shall be in the Form No. 21, in Appendix I hereto, with such variations as circumstances may require.

Summary administration.

160 (A). Where an estate is ordered to be administered in a summary manner under Section 106 of the Act the provisions of the Act and Rules shall, subject to any special direction of the Court, be modified as follows, namely :—

(1) There shall be no advertisement of any proceedings in a local paper unless the Court otherwise directs.

(2) The title of every document in the proceedings subsequent to the making of the order for summary administration shall have inserted thereon " Summary Case ".

(3) There shall be no Committee of Inspection.

(4) On an application by an insolvent for his discharge the certificate of the Official Assignee shall not include, nor shall notices be sent to, creditors whose debts do not exceed Rs. 30.

(5) Notices of meetings or of sittings of the Court shall only be sent to creditors whose debts or claims exceed Rs. 30.

(6) Such sheets from A to H in Form 23 in Appendix I hereto, as will have to be returned blank shall be omitted from the Schedule, the insolvent enumerating such sheets in the deficiency statement.

Administration of estate of person dying insolvent.

Form of petition.

161. A creditor's petition under Section 108 of the Act shall be in the Form No. 4 in Appendix I hereto, with such variations as circumstances may require, and shall be verified by affidavit.

Gazetting and advertising.

162. Where an administration order under Section 108 of the Act is made, such order shall be gazetted and advertised in the same manner in all respects as an order of adjudication is gazetted and advertised.

Service.

163. (1) The petition shall, unless the Court otherwise directs, be served on each executor who has proved the will or as the case may be on each person who has taken out letters of administration or if no probate or letters of administration have been granted, upon such person or persons as the Court may direct.

(2) Service shall be proved in the same way as is provided in the case of an ordinary creditor's petition, and the petition shall be heard in like manner.

Form of order.

164. An administration order under Section 108 of the Act shall be in one of the Forms Nos. 20 and 20-A in Appendix I hereto, as the case may be, with such variations as circumstances may require.

Duties of legal representative.

165. Where an administration order under Section 108 of the Act has been made, it shall be the duty of the legal representative of the deceased debtor to lodge with the Official Assignee forthwith in duplicate an account of the dealings with and administration of (if any), the deceased's estate by such legal representative, and such legal representative shall also furnish forthwith in duplicate a list of the creditor and a statement of the assets and liabilities, and such other particulars of the affairs of the deceased as may be required by the Official Assignee. Every account, list and statement to be made under the Rule shall be verified by affidavit. The expense of preparing, making, verifying and lodging any account, list and statement under this Rules hall, after being taxed, be allowed out of the estate.

Executor *de son tort.*

166. In any case in which an administration order under Section 108 of the Act has been made, and it appears to the Court, on the report of the Official Assignee, that neither probate nor letters of administration to the estate of the deceased debtor have been granted to any person, the account, list and statement mentioned in Rule 165 shall be made, verified and lodged by such person as in the opinion of the Court upon such report may have taken upon himself the administration of or may have otherwise intermeddled with the property of the deceased or any part thereof.

Rules as to administration of estate.

167. In proceedings under an order for the administration of the estate of a person dying insolvent:—

(1) The provisions of Schedule I of the Act relating to meetings of creditors,

(2) The provisions of these Rules which refer to creditors, meetings of creditors and Committees of Inspection, and

(3) Where the property is not likely to exceed Rs. 3,000 the provisions of Section 106 of the Act

shall as far as applicable, apply as if the proceedings were under an order of adjudication.

Gazetting.

Gazetting notices.

168. All notices requiring publication in the Government of India Gazette or the Local Official Gazette shall be gazetted by the Chief Clerk.

Inspection.

Chief Clerk and Official Assignee to give inspection and copies when required.

169. The Chief Clerk and the Official Assignee shall on the reasonable request of any insolvent or creditor permit him to inspect and examine every petition, schedule, order of adjudication and all other proceedings relating to such insolvent and all books, papers

and writings filed or deposited in such matter; and shall provide any such insolvent or creditor requiring the same on the receipt of the prescribed fee with a copy or copies of such petition, schedule, order of adjudication and all other orders and proceedings so filed or deposited as aforesaid or such part or parts thereof as shall be required.

Security of Official Assignee.

Official Assignee to enter into a bond.

170. The Official Assignee, previous to his admission, shall enter into a bond, with sufficient securities to the Commissioner for taking Accounts in the penalty of rupees twenty thousand, conditioned for the due execution of his office.

Accounts and Audits.

Official Assignee to open an account in the Bank of Bombay.

171. The Official Assignee shall open an account with the Bank of Bombay entitled "The Account of the Official Assignee of Bombay", and all moneys received by him in the realisation of insolvents' estates, shall, after deducting such sum as may be required for immediate payment of costs, charges, etc., within seven days after the receipt thereof, be paid into the credit of the said account.

New Investments.

172. The Official Assignee shall invest all sums to the credit of insolvents' estates as may not be required for the payment of costs, expenses or dividends, in the purchase of 3½ per cent. Promissory Notes of the Government of India and deposit such Notes with the said Bank to the credit of each estate respectively at the expiration of each half-year ending on the 31st January and 31st July, respectively.

Official Assignee to keep accurate accounts.

173. The Official Assignee shall keep accurate accounts of the property, debts and credits of every insolvent and of all moneys received and payments made, which accounts any creditor shall be at liberty to inspect at all reasonable times.

Official Assignee to prepare half-yearly an account of each estate.

174. At the expiration of each half-year as aforesaid, the Official Assignee shall prepare a statement of account of each estate not then wound up and fully distributed that is to say of the whole receipts, of the whole disbursements (distinguishing dividends from other payments), of the balance remaining, and of the mode in and securities on which the balance is actually invested, and at the foot thereof shall specify the amount of commission received by him during the half-year.

Chief Justice to appoint Auditor.

175. The Chief Justice shall from time to time appoint an Auditor or Auditors to examine half-yearly up to the 31st day of January and the 31st day of July in every year the statement which the Official Assignee is requird to prepare under Rule 174.

Auditor to examine accounts and report to the Chief Justice.

176. The Auditor or Auditors so appointed shall examine the said statement and the accounts of the Official Assignee and shall report thereon to the Chief Justice; and if during such audit any question or matter of

difference shall arise between the Auditor or Auditors and the Official Assignee in respect of any payment, receipt, voucher or otherwise, such question or matter of difference shall be referred to the Chief Justice or to such Judge as he may appoint to decide the same.

Half-yearly statement to be published in Gazette.

177. On completion of each audit, the statement above referred to shall be signed by the Auditor or Auditors and by the Official Assignee, and shall be published forthwith in the local Official Gazette.

Official Assignee to open Unclaimed Dividend Account.

178. The Official Assignee shall open an account called "The Unclaimed Dividend Account" and shall from time to time transfer to the said account all dividends unclaimed within one year from the date of declaration of such dividends together with all sums standing to the credit of insolvents' estates in which no further recovery is anticipated and in which no dividend can be declared and all such other unclaimed balances whatsoever as may be in his hands by virtue of proceedings under the Indian Insolvency Act, 1848, or any other previous Insolvency Act, and invest all moneys standing to the credit of the account in Promissory Notes of the Government of India bearing interest at 3½ per cent. or any higher rate.

Payment of audit fee and office expenses.

179. The Official Assignee shall transfer the interest arising from such investment to an account called "The Unclaimed Dividend Revenue Account" and from the moneys at credit with such accounts shall pay such fee not exceeding Rs. 1,500 for each audit as the Chief Justice shall consider reasonable together with such sums for stationery, rent, wages, pension, gratuity and other office expenses as the Chief Justice may direct.

Remuneration of Official Assignee.

180. The Official Assignee shall be entitled to retain as a remuneration for the duties to be performed by him—

(*a*) Such fees and percentages as may be chargeable by him under the Act and these Rules.

(*b*) A commission of 5 per cent. on the principal amount or value of the assets collected by him in each estate and a commission of 1 per cent. on the value of assets taken charge of or collected by him as Interim Receiver and a commission of 3 per cent. on the amount paid in pursuance of a Composition or Scheme of arrangement.

Provided that if after any half-yearly audit it shall appear that the amount of such commission shall not have reached the monthly average of Rs. 1,500 the commission shall be made up to this amount by taking the sum required from the "Unclaimed Dividend Revenue Account".

Provided also that the Official Assignee shall not retain as remuneration a sum averaging for any one year between the 1st of February and the 31st of January following, more than Rs. 4,000 per month, the excess, if any levied as remuneration in such year, in the first instance being applied towards the payment in to Provident Fund of his office (in which his subordinates only shall participate) of a sum equal to the aggregate

pay for one month of all the members of the said Provident Fund, and the balance, if any, thereafter being credited to Government.

Explanation.

For the purposes of this rule the amount realised under the second schedule to the Act shall be considered as assets collected by the Official Assignee.

The prosecution of fraudulent debtors and the payment of the costs thereof.

Prosecution of fraudulent debtors and payment of costs thereof.

181. At the hearing of any notice or of any charge under section 104 of the Act, the Court may direct that the Official Assignee shall have the conduct of the proceedings against the insolvent and thereupon the Official Assignee shall be entitled to pay the costs and expenses of such proceedings out of the "Unclaimed Dividend Revenue Account".

Costs of Civil Proceedings.

Costs of civil proceedings.

182. Where the Official Assignee has been directed by the Court in the matter of any insolvency to institute legal proceedings of any kind whatsoever he shall be entitled, so far as the assets in his hands relating to such insolvency are insufficient to meet the costs and expenses of such proceedings, to pay such deficiency out of the "Unclaimed Dividend Revenue Account".

Civil liability of Official Assignee how met.

183. Where the Official Assignee while acting under the order and direction of the Court in the matter of any insolvency shall incur any civil liability and the assets in his hands relating to such insolvency are insufficient to meet such liability, he shall be entitled to apply to the Court for leave to pay any deficiency out of the "Unclaimed Dividend Revenue Account" and such leave shall be granted provided that the Official Assignee while so acting shall have complied with the order and direction of the Court.

Costs when assets not available.

183A. Where an insolvent has no available assets, the Official Assignee shall not be required to incur any costs, charges or expenses in relation to his estate without the express directions of the Court.

Provided that he shall be at liberty to apply any moneys not exceeding Rs. 250 in any one matter out of the revenue of the moneys standing to the credit of "The Unclaimed Dividend Account" in defraying any necessary Court fees, costs, charges and expenses in administering estates in which he has no funds in his hands and shall repay in priority, to all other claims or charges the amount so applied, out of the recoveries, if any, made by him.

Committee of Inspection.

Committee of Inspection.

184. (1) A Committeee of Inspection shall consist of not more than five nor less than three persons.

(2) A Committee of Inspection shall meet at such time as they shall from time to time appoint and failing such appointment at least once a month; and the Official Assignee or any member of the Committee may also call a meeting of the Committee as and when he thinks necessary.

(3) A Committee of Inspection may act by a majority of its members present at a meeting, but shall not act unless a majority of the Committee is present at the meeting.

(4) Any member of a Committee of Inspection may resign his office by notice in writing signed by him and delivered to the Official Assignee.

(5) If a member of a Committee of Inspection becomes insolvent or is absent from five consecutive meetings of the Committee, his office shall thereupon become vacant.

(6) If a creditor who has not proved is appointed a member of a Committee of Inspection, his office shall become vacant if he does not prove within one month from the date of his appointment.

(7) Any member of a Committee of Inspection may be removed by a resolution at any meeting of the creditors, of which seven days' notice has been given, stating the object of the meeting.

(8) On a vacancy occurring in the office of a member of a Committee of Inspection, the Official Assignee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy and the meeting may by resolution appoint another creditor or other person eligible as above to fill the vacancy.

(9) The continuing members of a Committee of Inspection, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body, and when the number of members of a Committee of Inspection is for the time being less than five, the creditors may increase that number so that it does not exceed five.

Control over Official Assignee.

185. Where a Committee of Inspection has been appointed under section 88 of the Act, the Official Assignee shall, in the administration of the property of the insolvent and in the distribution thereof, have regard to any directions that may be given by the Committee, but any directions given by resolution of the creditors at a meeting shall in case of conflict override any directions given by the Committee.

Consent to be obtained by Official Assignee before applying to Court under section 68.

186. Where a Committee of Inspection has been appointed under section 88 of the Act, the Official Assignee shall obtain the consent of the Committee before applying to the Court for leave to do any of the things for which such leave is required by section 68 of the Act.

Disclaimer of Lease.

Disclaimer of Lease.

187. (1) A lease may be disclaimed without the leave of the Court in any of the following cases, *viz.*:—

(i) Where the insolvent has not sublet the premises leased or any part thereof or created a mortgage or charge upon the lease and

(*a*) The rent reserved is less than Rs. 300 per annum, or

(*b*) The estate is administered under the provisions of section 106 of the Act, or

(*c*) The Official Assignee serves the lessor with notice of his intention to disclaim and the lessor does not, within seven days after the receipt of such notice, give notice to the Official Assignee requiring the matter to be brought before the Court.

(ii) Where the insolvent has sublet the demised premises or created a mortgage or charge upon the lease and the Official Assignee serves the lessor and the sub-lessee or mortgagee with notice of his intention to disclaim and neither the lessor nor the sub-lessee or mortgagee or any of them, within fourteen days after the receipt of such notice, require the matter to be brought before the Court.

(2) The notice shall be in one of the Forms Nos. 72, 73, 74, 78, 79 and 80 in Appendix I, hereto with such variations as circumstances may require.

(3) Except as provided by this Rule, the disclaimer of a lease without the leave of the Court shall be void.

(4) Where the Official Assignee disclaims a lease he shall forthwith file the disclaimer with the Chief Clerk and the disclaimer shall contain particulars of the lease disclaimed and a statement of the persons to whom notice of the disclaimer has been given. Until the disclaimer is filed by the Official Assignee it shall be inoperative.

(5) Where in pursuance of a notice by the Official Assignee to disclaim a lease, the lessor, sub-lessee or mortgagee requires the Official Assignee to apply to the Court for leave to disclaim, the costs of the lessor, sub-lessee or mortgagee, shall not be allowed out of the estate of the insolvent except in cases in which the Court is satisfied that such application was necessary in order to do justice between the parties.

(6) A disclaimer made without the leave of the Court under this Rule shall not be void or otherwise affected on the ground only that the notice required by this Rule has not been given to some person who claims to be interested in the property leased.

(7) Where any person claims to be interested in any part of the property of the insolvent burdened with onerous covenants, he shall, at the request of the Official Assignee, furnish a statement of the interest so claimed by him.

Official Assignee.

188. (1) As soon as the Official Assignee receives notice of an order of adjudication, he or some one deputed by him shall forthwith hold a personal interview with the insolvent for the purpose of investigating his affairs and determining whether the estate should be administered under section 106 of the Act.

(2) It shall be the duty of the insolvent to attend at such time and place as the Official Assignee may appoint.

189. Applications by the Official Assignee to the Court may be made personally and without notice or other formality; but the Court may in any case order that an application be renewed in a formal manner, and

Mode of application to Court.

that such notice thereof be given to any person likely to be affected thereby as the Court may direct.

Evidence on application.

190. Where for the purposes of any application to the Court by the Official Assignee for directions or for leave to disclaim a lease, or for an extension of time to apply for leave to disclaim a lease, or for an order to commit an insolvent, it is necessary that evidence be given by him in support of such application, such evidence may be given by a report of the Official Assignee to the Court and need not be given by affidavit, and any such report of the Official Assignee to the Court shall be received by the Court as *prima facie* evidence of the matters reported upon.

Application for directions.

191. In any case of doubt or difficulty or in any matter not provided for by the Act or these Rules relating to any proceedings in Court, the Official Assignee may apply to the Court for directions.

Accounting by Official Assignee.

192. Where a composition or scheme is sanctioned by the Court the Official Assignee shall account to the debtor or as the case may be to the trustee under the composition or scheme.

Trading account of insolvent.

193. The insolvent shall, on the request of the Official Assignee, furnish him with trading and profit and loss accounts and such other accounts for a period not exceeding two years prior to the date of the order of adjudication as the Official Assignee may require. Provided that the insolvent shall, if ordered by the Court so to do, furnish such accounts as the Court may order for any longer period. If the insolvent fails to comply with the requirements of this Rule, the Official Assignee shall report such failure to the Court and the Court shall take such action on such report as the Court shall think just.

Liability for costs, damages and expenses.

194. The following provisions, shall apply to every case in which proceedings are taken, either by action, motion or in any other manner against the Official Assignee in respect of anything done or default made by him, when acting, or in the *bona fide* and reasonable belief that he is acting in pursuance of the Act, or in execution of the powers given to the Official Assignee by the Act :—

(1) Subject to the provisions of the next following sub-section, the costs, damages and expenses which the Official Assignee may have to pay, or to which he may be put under such proceedings, shall be paid out of the estate of the insolvent.

(2) As soon as any such proceedings are commenced it shall be the duty of the Official Assignee to report the same to the Court, which shall determine whether or not such proceedings shall be resisted or defended, and unless the Court shall otherwise determine, no such costs, damages or expenses shall be paid out of the estate unless the Court has determined that such proceedings shall be resisted or defended.

(3) The Official Assignee shall not, unless the Court shall otherwise order, be entitled to be paid out of the estate any costs or expenses he may have to pay or bear in consequence of resisting or defending any such proceedings unless the Court has determined that such proceedings shall be resisted or defended.

Miscellaneous.

Accounts of Special Manager.

195. Every Special Manager shall account to the Official Assignee and every such Special Manager's accounts shall be verified by affidavit and when approved by the Official Assignee the totals of the receipts and payments shall be added to the Official Assignee's accounts.

Falsification of documents.

196. (1) Any person who knowingly falsifies or fraudulently alters any book or document in or incidental to any proceedings under the Act or these Rules shall be deemed to be guilty of contempt of Court and shall be liable to be punished accordingly.

(2) The penalty imposed by this Rule shall be in addition to and not in substitution for any other penalty, punishment or proceeding to which such person may be liable.

Non-compliance with Rules.

197. Non-compliance with any of these Rules or with any Rule of practice for the time being in force shall not render any proceeding void unless the Court shall so direct, but such proceeding may be set aside either wholly or in part as irregular or amended or otherwise dealt with in such manner and upon such terms as the Court may think fit.

Repeal of Rules under the Act of 1848.

198. All Rules and Orders made under the Indian Insolvency Act, 1848, are hereby annulled, except so far as regards any proceedings under the said Act, which may be pending in the Court at the date of coming into operation of these Rules.

Saving for existing laws, etc.

199. When no other provision is made by the Act or these Rules, the present law procedure and practice in Insolvency Matters shall, in so far as applicable, remain in force. And save as provided by these Rules, or Rules amending them, the Rules of the High Court of Bombay, 1909, shall not apply to any proceeding in insolvency.

Report by Official Asignee relating to offences under section 103.

200. When the Official Assignee is of opinion that an insolvent has been guilty of an offence under section 103 of the Act, he shall report the same to the Court, whether the insolvent has made an application for his discharge or not, and the Court shall take such action on such report as it may think fit.

Service of a notice under section 104.

201. A notice under section 104 of the Act shall be served personally on the Insolvent not less than seven days before the day fixed for the hearing of the notice: Provided that in any case in which the Court may think fit the Court may allow substituted service of the notice by advertisement or otherwise or shorten the length of notice to be given.

APPENDIX I

FORMS

FORM No. 1.

General Title.

In the High Court of Bombay.
In Insolvency. No. of 19 .
Re (James Brown).
Ex parte (*here insert* "the Debtor" *or* "J. S. a creditor" *or* "the Official Assignee.")

No. 2.

Debtor's Petition.

I (*a*) (having ordinarily resided or had a dwelling-house within the limits of the Ordinary Original Civil Jurisdiction of this Court) (*or* having carried on business $\frac{\text{in person}}{\text{through an agent}}$ at (*b*) within the limits of the Ordinary Original Civil Jurisdiction of this Court) within a year before the date of the presentation of this Petition (*or* personally working for gain within the limits of the Ordinary Original Civil Jurisdiction of this Court) (*or* being imprisoned in execution of the decree of a Court for the payment of money in the Prison) and being unable to pay my debts, which are Rs. hereby petition the Court that I may be adjudged an Insolvent.

Here state whether any previous petition has been presented to Court either by or against him with particulars of any such petition and the manner in which it was disposed of.

(Signature).

Signed by the Debtor in my presence.
Signature of Witness
Address
Description

Filed the day of 19 .

Note.—When the Debtor resides at a place other than his place of business both addresses should be inserted.

(*a*) Insert name, address and description of Debtor.
(*b*) Insert the address or addresses at which the business has been carried on.

No. 3.

Creditors Petition.

(*Title.*)

I, *C. D.* of (We, *C. D.* of and *E. F.* of) hereby petition the Court that an order of adjudication may be made against (*a*) of (*b*) and lately carrying on business at (or residing at) and say :—

(*a*) Insert name of debtor.
(*b*) Insert present address and description of debtor.

1. That the said *A. B.* is now imprisoned in execution of the decree of a Court for the payment of money in the Prison

Or,

that the said *A. B.* within a year before the date of the presentation of this Petition has ordinarily resided or had a dwelling-house (*or* has carried on business $\frac{\text{in person}}{\text{through an agent}}$) within the limits of the Ordinary Original Civil Jurisdiction of this Court

Or,

that the said *A. B.* personally works for gain within the limits of the Ordinary Original Civil Jurisdiction of this Court.

2. That the said *A. B.* is justly and truly indebted to me (or us in the aggregate) in the sum of Rs. (*set out amount of debt or debts, and the consideration*).

3. That I (*or* We) do not, nor does any person on my (*or* our) behalf hold any security on the said debtor's estate or on any part thereof for the payment of the said sum.

Or,

That I hold security for the payment of (*or* part of) the said sum (but that I will give up such security for the benefit of the creditors of *A. B.* in the event of his being adjudged Insolvent) *or* and I estimate the value of such security at the sum of Rs.).

Or,

That I, *C. D.*, one of your petitioners, hold security for the payment of, &c. That I, *E. F.*, another of your petitioners, hold security for the payment of, &c.

4. That *A. B.* within three months before the date of the presentation of this Petition has committed the following act (*or* acts of Insolvency namely (*here set out the nature and date or dates of the act or acts of Insolvency relied on*).

Dated this day of 19 .

(Signed) *C. D.*
E. F.

(Signed by the Petitioner in my presence.)

Signature of Witness

Address

Description

NOTE.—If there be more than one petitioner, and they do not sign together, the signature of each must be separately attested, *e.g.*, "Signed by the petitioner E. F. in my presence". If the petition be signed by a firm, the partner signing should add also his own signature, *e.g.* "A. S. & Co. by J. S. a partner in the said firm". If the debtor resides at any place other than the place where he carries on business both addresses should be inserted.

Indorsement.

In the case of the Court ordering service of the petition on the debtor.

This petition having been presented to the Court on the day of 19, it is ordered that this Petition shall be heard at (*a*) on the day of 19 , at o'clock in the noon.

(*a*) Insert the place at which the debtor is to attend.

And you, the said *A. B.*, are to take notice that if you intend to dispute the truth of any of the statements contained in the petition, you must file with the Chief Clerk of this Court a notice showing the grounds upon which you intend to dispute the same, and send by post a copy of the notice to the petitioner three days before the date fixed for the hearing.

No. 4.

Creditor's Petition for Administration of Estate of deceased Debtor under section 108.

(*Title.*)

I, *C. D.*, of (*or* We *C. D.* of , and *E. F.* of) hereby petition the Court that an order be made for the administration in Insolvency of the Estate of the late (*here insert name and description of the deceased debtor*) who died on the day of 19 and say :—

1. That the said *A. B.* for the greater part of the six months immediately prior to his decease resided (*or* carried on business) at , within the limits of the Ordinary Original Civil Jurisdiction of this Court.

2. That the estate of the said *A. B.* is justly and truly indebted to me (*or* us in the aggregate) in the sum of Rs. (*set out amount of debt or debts and the consideration*).

3. That (I) do not nor does any person on (my) behalf hold any security on the said deceased debtor's estate, or any part thereof, etc. (*or as in form No. 3 Creditors' Petition*).

4. That the estate of the said *A. B.* is (according to my information and belief) insufficient to pay his debts.

Or,

That the will of the said *A. B.* (*or, as the case may be*) was on the day of 19 proved by *J. S.* of and *G. H.* of , who consent to this Petition.

Or,

That Letters of Administration (*or as the case may be*) were on the day of 19 , granted to *J. S.* of , and *G. H.*

of , and that the estate of the said *A. B.* is (according to my information and belief) insufficient to pay his debts.

Dated this day of 19 .

(Signed) *C. D.*
(,,) *E. F.*

[Signed by the Petitioner in my presence]
Signature of Witness
Address
Description

Indorsement.

This Petition having been presented to the Court on the day of 19 , it is ordered that this Petition shall be heard at on the day of 19 , at o'clock in the noon.

If you the said *J. S.* or *G. H.* intend to dispute the matter of any of the statements contained in the Petition, you must file with the Chief Clerk a notice shewing the grounds upon which you intend to dispute the same.

No. 5.

Affidavit of truth of Statements in Petition.

(*Title.*)

I, the Petitioner named in the Petition hereunto annexed, make oath (*if the Petitioner declare or affirm, alter the form accordingly*) and say :

1. That the several statements in the said Petition are within my own knowledge true.

Sworn at etc. *C. D.*

NOTE.—If the Petitioner cannot depose that the truth of all the several statements in the Petition is within his own knowledge. he must set forth the statements the truth of which he can depose to and file a further affidavit by some person or persons who can depose to the truth of the remaining statements.

No. 6.

Affidavit of truth of Statements in Joint Petition.

(*Title.*)

We, *C. D.*, *E. F.*, *G. H.*, &c., the petitioners named in the Petition hereunto annexed, severally make oath (*if any of the Petitioners declare or affirm, alter the form accordingly*) and say :—

And first I, the said *C. D.*, for myself say—

1. That *A. B.* is justly and truly indebted to me in the sum of Rs. , as stated in the said before-mentioned Petition.

2. That the said *A. B.* committed the act (*or* acts) of Insolvency stated to have been committed by him in the said before-mentioned Petition.

3. That the said *A. B.* is now imprisoned in execution of the decree of a Court for the payment of money in the Prison

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Or,

that the said *A. B.* within a year before the date of the presentation of this Petition has ordinarily resided (*or* had a dwelling-house) (*or* has carried on business $\frac{\text{in person}}{\text{through an agent}}$) within the limits of the Ordinary Original Civil Jurisdiction of this Court.

Or,

that the said *A. B.* personally works for gain within the limits of the Ordinary Original Civil Jurisdiction of this Court

And I, the said *E. F.*, for myself say :—

4. That *A. B.* is justly and truly indebted to me in the sum of Rs. , as stated in the said before-mentioned Petition.

And I, the said *G. H.*, for myself say :—

5. That *A. B.*, is, &c.

C. D.
E. F.
G. H.

Sworn by the Deponents, *C. D.*, *E. F.* and *G. H.*, &c.

See note to last Form.

No. 7.

Application for Interim Receiver.

(*Title.*)

I, *C. D.*, of , do on the grounds set forth in the annexed affidavit, apply to the Court to appoint the Official Assignee as Interim Receiver of the property of the said *A. B.* and (*here insert any special directions to the Receiver that may be desired*).

Dated this day of 19 .

(Signed) *C. D.*

Order thereon.

Upon reading this application and the affidavit therein referred to, and hearing , it is ordered that upon a deposit of Rs. being lodged by the applicant, the Official Assignee be thereupon constituted Interim Receiver of the property of the said *A. B.* and (*here insert directions if any*).

By the Court,

Chief Clerk.

No. 8.

Notice by Debtor of intention to oppose Petition.

(*Title.*)

In the matter of an Insolvency petition presented against me on the day of 19 , by *C. D.* of (*or* and *E. F.* of , *G. H.* of , &c.)

I, the above *A. B.*, do hereby give you notice that I intend to oppose the making of an order of adjudication as prayed, and that I intend to dispute the Petitioning creditor's debt (*or* the act of Insolvency, *or as the case may be*).

Dated this day of 19 .

To *C. D.* of , and to *A. B.*
and to the Clerk of the said Court.

No. 9.

Order to stay Proceedings on Petition.

(*Title.*)

In the matter of an Insolvency Petition against *A. B.* of

Upon the hearing of this Petition this day, and the said *A. B.* appearing and denying that he is indebted to the petitioner (*where petition presented by more than one creditor, add the name of the creditor whose debt is denied*) in the sum stated in the petition) *or* that he is indebted to the petitioner in a sum of a less amount than five hundred rupees) (*or* that he is indebted to *C. D.* one of the petitioners, in a sum less than the sum stated to be due from him in the petition) it is ordered that the said *A. B.* shall within days enter into a bond in the penal sum of (*the amount of the alleged debt and probable cost of such other sum as the Court may direct*) with such two sufficient sureties as the Court shall approve of to pay (*or* deposit with the Chief Clerk the sum of as security for the payment of) such sum or sums as shall be recovered against the said *A. B.* by *C. D.* the Petitioner (*or* one of the petitioners) in any proceeding taken or continued by him against the said *A. B.* together with such costs as shall be given by the Court in which the proceedings are had.

And it is further ordered that upon the said *A. B.* entering into the bond aforesaid, all proceedings on this Petition shall be stayed until after the Court in which the proceedings shall be taken shall have come to a decision thereon.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 10.

Bond on Stay of Proceedings, &c.

(*Title.*)

Know all men by these presents, that we, *A. B.* of etc. and *C. D.* of etc. and *E. F.* of etc., are jointly and severally held and firmly bound to *L. M.* of etc., in Rs. to be paid to the said L. M. or his certain attorney, executors, administrators, or assigns. For which payment to be made, we bind ourselves and each and every of us, our and each of our heirs, executors, and administrators, jointly and severally firmly by these presents.

Sealed with our seals, and dated this day of one thousand, nine hundred and

Whereas an Insolvency Petition against the said *A. B.* having been presented to the High Court, he did appear at the hearing of the petition and deny that he was indebted to the petitioner (*or* to one or more of the petitioners), (or allege that he was indebted to the petitioner in the sum of Rs. only).

Now therefore, the condition of this obligation is such that if the abovenamed *A. B.* or the said *C. D.* or *E. F.*, shall on demand well and truly pay or cause to be paid to *L. M.* his attorney or agent, such sum or sums as shall be recovered against the said *A. B.* by any proceedings taken or continued within twenty-one days from the date hereof in any competent Court by the said *L. M.* for the payment of the debt claimed by him in the said Petition together with such costs as shall be given to the said *L. M.* by such Court, this obligation shall be void, otherwise shall remain in full force.

A. B. (L.S.)
C. D. (L.S.)
E. F. (L.S.)

Signed, sealed and delivered by the above-bounden in the presence of

NOTE.—If a deposit of money be made, the memorandum should follow the terms of the condition of the bond. This form may be adapted to other cases.

No. 11.

Notice of Sureties.

(*Title.*)

In the matter of an Insolvency Petition of

Take notice that the sureties whom I propose as my security in the above matter (*here state the proceeding which has rendered the sureties necessary*) are (*here state the full names and descriptions of the sureties, and their residences for the last six months, therein mentioning the district or town, places, streets, and numbers, if any*).

Dated day of 19

To the Chief Clerk of the Court *A. B.*
and to *L. M.* of

No. 12.

Affidavit of Justification.

(*Title.*)

In the matter of an Insolvency Petition against *A. B.* of

I, *E. F.*, of , one of the sureties for make oath and say :—

1. That I am a householder (*or, as the case may be*), residing (*describing particularly the district or town, the street or place, and the number o the house, if any*).

2. That I am worth property to the amount of Rs. (*the amount required*) over and above what will pay my just debts (*if security in any other action or for any other purpose, add*), and every other sum for which I am now security.

3. That I am not bail or security in any other matter, action, or proceeding, or for any other person (*or if security in any other action or actions, add*), except for *C. D.*, at the suit of *E. F.*, in the Court of in the sum of Rs. for *G. H.*, at the suit of *I. K.*, in the Court of in the sum of Rs. (*specifying the several actions with the Courts in which they are brought and the sums in which he has become bound*).

4. That my property, to the amount of the said sum of Rs. (*and if security in any other action, &c.*, over and above all other sums for which I am now security as aforesaid) consists of (*here specify the nature and value of the property in respect of which the deponent proposes to become bondsman as follows*), stock in trade, in my business of carried on by me at of the value of Rs. , of good book debts owing to me to the amount of Rs. , of furniture in my house at of the value of Rs. , of a freehold (*or* leasehold) land of the value of Rs. , situate at occupied by , *or of other property, particularising each description of property, with the value thereof*).

5. That I have for the last six months resided at (*describing the place of such residence, or if he has had more than one residence during that period, state it in the same manner, as above directed*).

Sworn at, &c. *E. F.*

No. 13.

Application by the Official Assignee for an Order appointing a Sitting for the Public Examination of the Insolvent.

(*Title.*)

An order of adjudication having been made in the above matter, application is hereby made to the Court by the Official Assignee for an order appointing the day of at or such other time and place as the Court shall direct for holding the public examination of the Insolvent, and that the Insolvent do attend such public examination.

Dated this day of 19 .

Official Assignee.

No. 14.

Order appointing a Time for the Public Examination of the Insolvent.

(*Title.*)

Upon the application of the Official Assignee in the above matter, it is ordered that the public examination of the above-named Insolvent be held at (*a*) on the day of at o'clock in the

(*a*) Insert the place for the examination.

And it is ordered that the above-named Insolvent do attend at the place and time above-mentioned.

Dated this day of 19 .

By the Court,
Chief Clerk.

NOTE.—Notice is hereby given that if you, the above-named Insolvent, fail without reasonable excuse, to attent at the time and place aforesaid, you will be liable to be committed to prison without further notice.

No. 15.

Report of Officer appointed under section 6 where Insolvent or Witness refuses to answer to his satisfaction.

(*Title.*)

At the (public) examination of (*a*) ~~held~~ before me this day of 19 , the following question was allowed by me to be put to the said ( ) :—

Q. (*b*)

The (*c*) refused to answer the said question. (*or*) The (*c*) answered the said question as follows :—

A. (*d*)

I thereupon named the day of 19 at as the time and place for such (refusal to) answer to be reported to Mr. Justice.

Dated this day of 19 .

Officer, etc.

No. 16.

Notes of Public Examination of Insolvent.

(*Title.*)

Public Examination of the Insolvent.

Before at the Court this day of 19

The above-named Insolvent, being $\frac{\text{affirmed}}{\text{sworn}}$ and examined at the time and place above-mentioned upon his oath, saith as follows : —

A.

These are the notes of the public examination referred to in the memorandum of public examination of , taken before me this day of 19 .

Officer, etc.

(*a*) The above-named Insolvent, or A. B., a witness in the above matter.
(*b*) Here state question.
(*c*) Insolvent or witness.
(*d*) Here insert answers (*if any*).

No. 17.

Memorandum of Adjournment of Public Examination.

(*Title.*)

Memorandum.—This being the day appointed for the (*a*) public examination of the abovenamed and the said having submitted himself for such examination : now upon hearing the Official Assignee in the above matter, and upon hearing and it appearing that . It is ordered that the said public examination be adjourned to the day of 19 , at in the noon at . And it is further ordered that the said do attend at the said Court on the said day of 19 for the purpose of being further examined as to his conduct, dealings and property. And it is further ordered that the said

(*a*) Insert here word "further" if necessary, (set out any further order of the Court).

Dated the day of 19 .

Chief Clerk.

No. 18.

Order dispensing with Public Examination of Insolvent.

(*Title.*)

Upon the application of the Official Assignee [*or*, of (*a*) of] in the above matter, and upon reading and upon hearing , and it appearing to the Court that the debtor is (*b*) , it is ordered that the public examination of the insolvent be dispensed with.

(*a*) Insert name and address of applicant, and the capacity in which he makes the application.
(*b*) State what the disability is.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 19.

Order as to Examination of Insolvent who is suffering from Mental or Physical Affliction or Disability.

(*Title.*)

Upon the application of the Official Assignee [*or* of (*a*) , of] in the above matter, and upon reading and upon hearing , and

it appearing to the Court that the Insolvent is suffering from physical disability which makes him unfit to attend a public examination in Court (*or as the case may be*), it is ordered that instead of a public examination of the Insolvent (*b*), the Insolvent be examined on oath at (*c*) before on the day of 19 at o'clock or such other time as having regard to the condition of the Insolvent may be convenient, and that the Official Assignee and (*d*) be at liberty to attend such examination and take part therein.

(*a*) Insert name and address of applicant and the capacity in which he makes the application.
(*b*) This part of the order to be adapted to the circumstances of the case.
(*c*) Insert place of examination.
(*d*) Insert name of any other person authorised by the Court to attend.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 20.

Order for Administration in Insolvency of Estate of deceased Debtor upon Petition.

(*Title.*)

Upon the petition of *C. D.*, dated the day of 19 , and upon reading and hearing , it is ordered that the estate of *A. B.* of , who died Insolvent, be administered in Insolvency and that the property of the said *A. B.* do vest in the Official Assignee and that the cost of this application be.

Dated this day of 19.

By the Court,
Chief Clerk.

No. 20A.

Order for Administration of Estate of deceased Debtor on transfer of Proceedings under section 108 (3).

(*Title.*)

Whereas proceedings for the administration of the estate of *A. B.*, late of , deceased, were commenced in the (*here set out Court in which proceedings commenced*) on the, day of 19 .

And whereas that Court did on the day of 19 transfer such proceedings to this Court.

It is hereby ordered that the estate of the said *A. B.*, deceased, shall be administered according to the law of Insolvency pursuant to section 108

of the Act, and that the property of the said *A. B.*, deceased, do vest in the Official Assignee.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 21.

Application for Summary Administration under section 106.

(*Title.*)

I, *G. H.*, the Official Assignee, hereby report to the Court that the property of the Insolvent is not likely to exceed in value Rs. , and I apply that the Court may order the estate to be administered in a summary manner pursuant to section 106 of the Act.

Dated this day of 19 .

G. H.,
Official Assignee.

No. 22.

Order for Summary Administration.

(*Title.*)

Upon the application of and reading it is ordered that the estate of the abovenamed debtor be administered in a summary manner pursuant to section 106 of the Act.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 23.

Schedule.

(*Title.*)

To the Insolvent.—You are required to fill up, carefully and accurately, this sheet and the several sheets A, B, C, D, E, F, G and H, showing the state of your affairs on the day on which the order of adjudication was made against you, *viz.*, the day of 19

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Such sheets, when filled up, will constitute your schedule, and must be verified by oath or declaration.

Gross Liabilities.			Liabilities (as stated and estimated by Debtor).						Expected to Rank.			Assets (as stated and estimated by Debtor).						Estimated to Produce.		
Rs.	a.	p.							Rs.	a.	p.							Rs.	a.	p.
			Unsecured creditors, as per List (A) ..									Property as per list (E), *viz.* :—								
			Creditors fully secured, as per list (B) ..			Rs.	a.	p.				(*a*) Cash at bankers ..								
			Estimated value of securities ..									(*b*) Cash in hand ..								
												(*c*) Cash deposited with solicitor for costs of petition								
			Surplus									(*d*) Stock-in-trade (cost Rs.)								
			Less Amount thereof carried to Sheet C.									(*e*) Machinery								
												(*f*) Trade fixtures, fittings, utensils, &c. ..								
			Balance thereof to *contra*									(*g*) Furniture								
			Creditors partly secured, as per list (C) ..									(*h*) Life policies ..								
			Less Estimated value of securities ..									(*i*) Other property, *viz.* —								
												Total as per list (E) ..								
			Creditors, for rent, rates, taxes, wages, &c., payable in full as per list (D) ..			Rs.	a.	p.				Book debts as per list (F), *viz.*— Good								
			Deducted *contra* ..												Rs.	a.	p.			
												Doubtful ..								
												Bad ..								
												Rs. ..								
												Estimated to produce ..								
												Bills of exchange or other similar securities, on hand, as per list (G) Rs. ..								
												Estimated to produce ..								
												Surplus from securities in the hands of creditors fully secured (per *contra*) ..								
												Rs. ..								
												Deduct creditors for preferential rent, rates, taxes, wages, &c. (per *contra*)								
												Rs. ..								
												Deficiency explained in statement (H)								
												Rs. ..								

I, of , of , make oath and say that the above statement and the several lists hereunto annexed marked A, B, C, D, E, F, G and H, are, to the best of my knowledge and belief, a full, true, and complete statement of my affairs on the date of the abovementioned order of adjudication made against me.

$\frac{\text{sworn}}{\text{affirmed}}$ at this day of } Signature.
19 , before me .

A

Unsecured Creditors.

No.	Name.	Address and occupation.	Amount of Debt.			Date when contracted.		Consideration.
						Month.	Year.	
			Rs.	a.	p.			

Signature.

Dated 19 .

Notes.—(1) When there is a contra account against the creditor, less than the amount of his claim against the estate, the amount of the creditor's claim and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading " Amount of Debt ", thus :—

	Rs. a. p.
Total amount of claim	
Less contra account	

No such set-off should be included in sheet " F ".

(2) The particulars of any bills of exchange and promissory notes held by a creditor should be inserted immediately below the name and address of such creditor.

B

Creditors fully secured.

No.	Name of Creditor.	Address and Occupation	Amount of Debt.	Date when Contracted.		Consideration.	Particulars of Security.	Date when given.	Estimated value of Security.	Estimated Surplus from Security.
				Month	Year.					

Signature.

Dated 19 .

C

Creditors partly Secured.

No.	Name of Creditor.	Address and Occupation	Amount of Debt.	Date when Contracted.		Consideration.	Particulars of Security.	Month and Year when given.	Estimated value of Security.	Balance of Debt Unsecured.
				Month.	Year.					

Signature.

Dated 19 .

D

Preferential Creditors for Rent, Rates, Taxes and Wages.

No.	Name of Creditor.	Address and Occupation	Nature of Claim.	Period during which Claim accrued due.	Date when due.	Amount of Claim.	Amount payable in full.	Difference ranking for Dividend (to be carried to List A).

Signature.

Dated 19 .

E

Property.

Full particulars of every description of property in possession and in reversion not in any other list, are to be set forth in this list:—

Full Statement and Nature of Property.	Estimated to Produce.		
	Rs.	a.	p.
(*a*) Cash at Bankers			
(*b*) Cash in hand			
(*c*) Cash deposited with Solicitor for Costs of Petition.			
(*d*) Stock in Trade at (Cost Rs.)			
(*e*) Machinery at			
(*f*) Trade Fixtures, Fittings, Utensils, etc., at ..			
(*g*) Household Furniture and Effects at			
(*h*) Life Policies			
(*i*) Other property (state Particulars), *viz*... ..			

Signature.

Dated 19 .

F

Debts due to the Estate.

No.	Name of Debtor.	Residence and Occupation.	Amount of Debt.									Folio of Ledger or other book where particulars to be found.	When Contracted.		Estimated to Produce.			Particulars of any Securities held for Debt.
			Good.			Doubtful			Bad.				Month	Year.				
			Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.				Rs.	a.	p.	

Signature,

Dated 19 .

Note.—If any debtor to the estate is also a Creditor, *but for a less amount than his indebtedness*, the gross amount due to the estate and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading 'Amount of Debt", thus :—

	Rs. a. p.
Due to estate	
Less contra account	

No such claim should be included in sheet " A ".

G

Bills of Exchange, Promissory Notes, etc., available as Assets.

No.	Name of Acceptor of Bill or Note.	Address, &c.	Amount of Bill or Note.	Date when due.	Estimated to Produce.	Particulars of any property held as Security for payment of Bill or No.

Signature.

Dated 19 .

H

Deficiency Statement.

(The Insolvent should here explain the cause for the deficiency.)

Signature.

Dated 19 .

No. 24.

Memorandum of Public Examination of Insolvent.

(*Title.*)

Memorandum.—That, I , the abovenamed Insolvent, being sworn and examined upon my oath, say that the notes of my public examination marked "A", and appended hereto, were read over by or to me and are correct.

And I further say, that at the time of this my examination, I have delivered up to the Official Assignee, all property, estate, and effects, and all books, papers and writings relating thereto.

And I further say, that I have made a full disclosure of all my assets and of all my debts and liabilities of whatever kind, and that I have not removed, concealed, embezzled or destroyed any part of my estate, real or personal, nor any books of accounts, papers or writings relating thereto, with an intent to defraud my creditors or to conceal the state of my affairs.

(*Here insert any special matter.*)

Signature.

Dated the day of 19 .

No. 25.

Order of Court that Examination is concluded.

(*Title.*)

Whereas the abovenamed *A. B.* has duly attended before the Court, and has been publicly examined as to his conduct, dealings and property;

And whereas the Court is of opinion that the affairs of the said *A. B.* have been sufficiently investigated, it is hereby ordered that the examination of the said *A. B.* is concluded.

Dated this day of 19 .

By the Court,

C. D., Chief Clerk.

No. 26.

Order of Adjudication.

(*Title.*)

Pursuant to a petition, dated , $\frac{\text{by}}{\text{against}}$ (here *insert name, description and address of debtor*), and on reading and hearing , it is ordered that the debtor be and the said debtor is hereby adjudged insolvent. And it is further ordered that all the estate and effects of the debtor do vest in the Official Assignee.

Dated this day of 19

By the Court,

Chief Clerk.

No. 27.

Application to Annul Adjudication under Section 21.

(*Title.*)

I, *R. S.*, of , being interested in this matter, do hereby make application to the Court that the order of adjudication against *A. B.* be annulled (*here state grounds of application*).

Dated this day of 19 .

R. S.

No. 28.

Order annulling Adjudication under Section 21.

(*Title.*)

On the application of *R. S.*, of , and on reading and hearing , it is ordered that the order of adjudication dated, against *A. B.*, of , be and the same is hereby annulled.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 29.

Application for Order of Discharge.

(*Title.*)

I, *A. B.*, of , having been adjudged Insolvent on the day of 19 , and being desirous of obtaining my discharge, hereby appeal to the Court to fix a day for hearing my application.

My public examination was concluded on the day of

Annexed hereto is the certificate of the Official Assignee certifying the number of my creditors.

Dated this day of 19 .

(Signed) *A. B.*

To the Chief Clerk of the Court.

No. 30.

Certificate of Number of Creditors.

(*Title.*)

I certify that the creditors of the above Insolvent who require to be notified of his intention to apply for his discharge are in number.

Dated this day of 19 .

G. H., Official Assignee.

No. 31.

Notice to Official Assignee of Application for Discharge.

(*Title.*)

The Insolvent having applied to the Court for his discharge, the Court has fixed the day of 19 , at o'clock in the noon at for hearing the application.

Dated the day of 19 .

Chief Clerk.

To the Official Assignee.

No. 32.

Notice to Creditors of Application for Discharge.

(*Title.*)

Take notice that the abovenamed Insolvent has applied to the Court for his discharge, and that the Court has fixed the day of 19 , at o'clock for hearing the application.

Dated this day of 19 .

Chief Clerk.

Note.—On the back of this notice the provisions of sections 38, 39 and 44 of the Act should be printed.

No. 33.

Order granting Discharge unconditionally.

(*Title.*)

On the application of *A. B.*, of etc., adjudged Insolvent on the day of 19 , and upon taking into consideration the report of the Official Assignee as to the Insolvent's conduct and affairs, including the Insolvent's conduct during the proceedings under his Insolvency, and upon hearing the Official Assignee, and *C. D.*, *E. F.*, etc., creditors (*as the case may be*).

And whereas it has not been proved that the Insolvent has committed any offences under section 103 of the Act, or under sections 421 to 424 of the Indian Penal Code and proof has not been made of any of the facts mentioned in sub-section (2) of section 39 or in section 44 of the Act, or that the Insolvent has been guilty of any misconduct in relation to his property and affairs. It is ordered that he be and he hereby is discharged.

No. 34.

Order refusing Discharge.

(*Title.*)

On the application of *A. B.*, of etc., adjudged Insolvent on the day of 19 , and upon taking into consideration the report

of the Official Assignee as to the Insolvent's conduct and affairs, including the Insolvent's conduct during the proceedings under the Insolvency and upon hearing the Official Assignee, and (*state the other parties who appeared*).

And whereas it has been proved that the Insolvent has committed the following offences under section 103 of the Act (*or* under sections 421 to 424 of the Indian Penal Code), namely :

[*Here state particulars.*]

Or,

And whereas it has not been proved that the Insolvent has committed any of the offences under section 103 of the Act or under sections 421 to 424 of the Indian Penal Code, but proof has been made of the following facts under sub-section (2) of section 39 ($\frac{\text{or}}{\text{and}}$ section 44) of the Act, namely :

[*Here state particulars.*]

($\frac{\text{or}}{\text{and}}$ that he has been guilty of misconduct in relation to his property and affairs), namely :

[*Here state particulars.*]

It is ordered that the Insolvent's discharge be and it is hereby refused.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 35.

Order Suspending Discharge.

(*Title.*)

On the application of

[*Commencement as in Form 33.*]

And whereas it has not been proved that the Insolvent has committed any of the offences under the Act or under sections 421 to 424 of the Indian Penal Code [*or* it has been proved that the Insolvent has committed the following offences, namely (*set them out*), but the Court has for the following special reasons (*state them*) determined that his discharge shall not on that ground be absolutely refused] ; but proof has been made of the following facts under sub-section (2) of section 39 of the Act $\frac{\text{or}}{\text{and}}$ and section 44 of the Act).

[*Here state particulars.*]

($\frac{\text{or}}{\text{and}}$ that he has been guilty of misconduct in relation to his property and affairs, namely :

[*Here state particulars*]

It is ordered that the Insolvent's discharge be suspended until a dividend of not less than 4 annas in the Rupee has been paid to the creditors, with liberty to the insolvent at any time after the expiration of two years from the date of this order to apply for a modification thereof, pursuant to section 42 of the Act.

Or,

It is ordered that the Insolvent's discharge be suspended for years, and that he be discharged as from the day of 19 .

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 36.

Order of Discharge subject to conditions as to Earnings, After-acquired Property, and Income.

(*Title.*)

On the application of , adjudged Insolvent on the day of 19 , and upon taking into consideration the report of the Official Assignee as to the Insolvent's conduct and affairs, and (*a*)

And whereas it has not been proved (*b*).

It is ordered that the Insolvent be discharged subject to the following conditions as to his future earnings, after-acquired property, and income :—

After setting aside out of the Insolvent's earnings, after-acquired property and income the monthly sum of Rs. for the support of himself and his family, the Insolvent shall pay the surplus, if any (*or such portion of such surplus as the Court may determine*), of such earnings, after-acquired property, and income to the Official Assignee for distribution among the creditors of the Insolvent. An account shall, on the first day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the Insolvent, setting forth a statement of his receipts from earnings, after-acquired property and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the Insolvent to the Official Assignee within fourteen days of the filing of the said account.

Dated this day of 19 .

By the Court,
Chief Clerk.

(*a*) Further recitals to be inserted.
(*b*) This recital to follow the other forms, with necessary variations.

No. 37.

Order of Discharge subject to a condition requiring the Insolvent to consent to Judgment being entered up against him.

(*Title.*)

On the application (*a*)

It is ordered that the Insolvent be discharged subject to the following condition to be fulfilled before his discharge takes effect, namely, he shall, before the signing of this order, consent to judgment being entered against him in the (*b*) by the Official Assignee for the sum of Rs. , being the balance (or part of the balance) of the debts provable in the Insolvency which is not satisfied at the date of this order.

And it is further ordered, without prejudice and subject to any execution which may be issued on the said judgment with the leave of the Court, that the said sum of Rs. be paid out of the future earnings or after-acquired property of the Insolvent in manner following, that is to say, after setting aside out of the Insolvent's earnings and after-acquired property a yearly sum of Rs. for the support of himself and his family, the Insolvent shall pay the surplus, if any (*or such portion of such surplus as the Court may determine*), to the Official Assignee for distribution among the creditors in the Insolvency. An account shall, on the first day of January in each year, or within fourteen days thereafter, be filed in these proceedings by the Insolvent, setting forth a statement of his receipts from earnings, after-acquired property, and income, during the year immediately preceding the said date and the surplus payable under this order shall be paid by the Insolvent to the Official Assignee within fourteen days of the filing of the said account.

And it is further ordered that, upon the required consent being given, judgment may be entered against the insolvent in the (*c*) for the said sum of Rs.

Dated this day of 19 .

By the Court,

Chief Clerk.

(*a*) Former parts and recitals as in last preceding form.
(*b*) Insert name of Court having jurisdiction in Insolvency.
(*c*) Insert name of Court.

No. 38.

Consent of Insolvent to Judgment being entered for Balance or part of Balance of Provable Debts.

Re

I, *A. B.*, of , the above-named Insolvent, do hereby consent to judgment being entered against me in the High Court of Bombay by the Official Assignee for the sum of Rs. , being the balance or part of the balance of the debts provable under my Insolvency which is

not satisfied at the date of my discharge ; but this consent is subject to the provision contained in the Act, with regard to the issue of execution on such judgment.

Dated this day of 19 .

(Signed) *A. B.*

No. 39.

Judgment to be entered pursuant to the consent (in the High Court).

In the High Court of Bombay.

18 No.

Between Official Assignee, Plaintiff,

and

A. B., Defendant.

And in the matter of the Insolvency of the said *A. B.*,

The day of 19 .

Pursuant to the order of the High Court in Insolvency, dated the day of whereby it was ordered that

[*Recite substance of order.*]

And the consent mentioned in the said order having been given and filed in the matter of the said Insolvency.

It is this day adjudged that the Plaintiff recover against the said defendant Rs.

Dated this day of 19 .

No. 40.

Affidavit by Insolvent, whose discharge has been granted conditionally as to after-acquired property or Income.

(*Title.*)

I, ; the abovenamed insolvent, make oath and say as follows :—

1. I have since the date of my discharge resided and carried on business at and I now reside and carry on business at

2. The statement hereto annexed is a full, true and complete account of all moneys earned by me and of all property and income acquired as received by me since the date of my discharge (*or*, since the date when last I filed a statement of after-acquired property and income in Court, namely, the day of 19).

Sworn at, etc.

(*Signature of Insolvent.*)

No. 41.

Order on Application to approve Composition.

(*Title.*)

On the application of , and on reading the report of the Official Assignee, filed on the day of , and hearing the Official Assignee and , and the Court being satisfied that the creditors in the above matter have duly accepted a composition (*or* scheme) in the following terms, namely (*here insert terms if short; if not insert* "in the terms contained in the paper writing marked A annexed hereto"), and being satisfied that the said terms are reasonable and calculated to benefit the general body of creditors, and that the case is not one in which the Court would be required to refuse an order of discharge.

[*and as the case may be*]

And being satisfied—

(*a*) That no facts have been proved which would justify the Court in refusing, qualifying or suspending an order of discharge,

Or,

(*b*) That facts have been proved which would justify the Court in refusing, qualifying or suspending an order of discharge, but that having regard to the nature of such facts, and the composition (*or* scheme) providing reasonable security for payment of not less than four annas in the Rupee on all the unsecured debts provable against the debtor's estate, the said composition [*or* scheme] is hereby approved.

or after

and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors,

$\frac{and}{or}$ *after*

$\frac{and}{or}$ *being satisfied*

(*a*) That the case is one in which the Court would be required to refuse the Insolvent's discharge.

(*b*) That facts have been proved which would under the Act justify the Court in refusing, qualifying or suspending the debtor's discharge, the Court doth refuse to approve the said composition [*or* scheme.]

Dated this day of 19 .

No. 42.

Application for Enforcement of Provisions in a Composition.

(*Title.*)

In the matter of a composition made by *A. B.*, of , I, *F. M.*, of , do apply to this Court for an order for the

enforcement of the provisions of the said composition against on the grounds set forth in the annexed affidavit.

Dated this day of 19 .

F. M.

No. 43.

Affidavit in support of Application for enforcement of Provisions of a Composition.

(*Title.*)

In the matter of a composition made by *A. B.*, of , I, *F. M.*, of , make oath and say :—

1. That I am interested in the said composition, having proved my debt as a creditor of the said *A. B.* (*or as the case may be*).

2. That (one of) of the provisions of the said composition is (*or* are) that (*here set it or them out*).

3. That has failed to comply with the said provisions (*or as the case may be*).

Sworn at, etc. *F. M.*

No. 44.

Order for Enforcement of Provision in a Composition.

(*Title.*)

In the matter of a composition made by *A. B.*, of , upon the application of *F. M.* of , and reading (*here insert evidence*) , and upon hearing , the Court being of opinion that the provisions of the said composition mentioned in the said affidavit should be enforced, it is ordered that [*here insert order*].

Dated this day of 19 .

By the Court,

Chief Clerk.

To

Take notice that unless you obey the directions contained in this order you will be deemed to have committed a contempt of Court.

No. 45.

Proof of Debt. General Form.

(*Title.*)

No. (*a*) of 19 .

Re (*a*)

I (*b*) of , make oath and say :

(*a*) Here insert the number of matter, and the name of debtor.
(*b*) Fill in full name, address and occupation of deponent.

(*c*) That I am in the employ of the undermentioned creditor, and that I am duly authorized by to make this affidavit, and that it is within my own knowledge that the debt hereinafter deponed to was incurred, and for the consideration stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

(*d*) That I am duly authorized, under the seal of the Company herein after named, to make the proof of debt on its behalf.

1. That the said was at the date of the order of adjudication, viz., the day of 19 , and still justly and truly indebted to (*e*) in the sum of Rs. annas pies for (*f*) as shown by the account endorsed hereon, or by the following account, *viz* :— , for which sum or any part thereof I say that I have not, nor hath (*g*) or any person by (*h*) order to my knowledge or belief for (*h*) use, had or received any manner of satisfaction or security whatsoever, save and except the following : —(*i*)

Admitted to vote for

: :

the day of 19 .

Official Assignee.

Admitted to rank for dividend for Rs. this day of 19 . Official Assignee.	Sworn at this day of 19 . Before me.

(*g*) Deponent's signature.

(*g*) _____

The proof cannot be admitted for voting at any meeting unless it is properly completed and lodged with the Official Assignee before the time named in the notice convening such meeting.

*If proof made by creditor strike out clauses (*c*) and (*d*) .

*If made by clerk strike out (*d*).

*If by agent of company strike out (*c*).

*(*e*) Insert *me* and to *C.D.* and *E.F.*, my copartners in trade, if any, or, if any clerk, insert name, address, and description of principal.

*You should attend carefully to these directions.

NOTE THIS—

(*f*) *State consideration* (*as* Goods sold and delivered by me (and my said partner) to him (or them) at his (or their) request between the dates of, *or*, money advanced by me in respect of the under mentioned bill of exchange) , *or as the case may be*).

(*See back*)

(*g*) My said partners or any of them or the abovenamed creditor (*as the case may be*).

(*h*) My or our or their or his as the case may be.

(*i*) Here state the particulars of all securities held, and wher the securities are on the property of the debtor, assess the value of the same, and if any bills or other negotiable securities be held, specify them in the schedule.)

A.

PARTICULARS OF ACCOUNT referred to on the other side.

(Credit should be given for contra accounts).

If space not sufficient let the particulars be annexed, but where the particulars are on a separate sheet of paper the same must be marked by the person before whom the affidavit is sworn.

Date.	Consideration.	Amount.			Remarks.
		Rs.	a.	p.	*

* The vouchers (if any) by which the account can be substantiated should be set out here.

No. 46.

Proof of Debt of Workmen.

(*Title.*)

I (*a*) of (*b*) make oath and say:

1. That (*c*) was at the date of the adjudication order, *viz.*, the day of 19 and still justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the Schedule endorsed hereon in sums severally set against their names in the sixth column of such schedule for wages due to them respectively as workmen or others (*d*) in respect of services rendered by them respectively to (*e*) during such periods before the date of the order of adjudication as are set out against their respective names in the fifth column of such schedule, for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction or security whatsoever.

Sworn at this day of 19.

Deponent's signature.

(*a*) Fill in full name, address and occupation of deponent.
(*b*) The above named debtor or the foreman of the abovenamed insolvent or on behalf of the workmen and others employed by the abovenamed insolvent.
(*c*) "I" or "the said".
(*d*) "My employ" or "the employ of the abovenamed insolvent."
(*e*) "Me" or "the abovenamed insolvent."

SCHEDULE referred to on the other side.

1 No.	2 Full name of workmen.	3 Address.	4 Description.	5 Period over which wages due.	6 Amount due.
					Rs. a. p.

Signature of Deponent.
Signature of Commissioner or Officer administering Oath.

No. 47.

Notice of Rejection of Proof of Debt.

(*Title.*)

Take notice that, as Official Assignee, of the above estate, I have this day rejected your claim against such estate (*a*) *to the extent of* Rs. on the following grounds :—

And further take notice that if you are dissatisfied with my decision in respect of your proof, you may apply to the Court to reverse or vary the same, but, subject to the power of the Court to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained after the expiration of (*b*) days from this date.

Dated this day of 19 .

Official Assignee.

To

Address.

(*a*) If proof wholly rejected strike out words in italics.
(*b*) 20 days or 7 days as the case may be. See Section 101 and rule.

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No. 48.

General Proxy.

(*Title.*)

I, (*a*) of , a creditor, hereby appoint (*b*) to be (*c*) general proxy in the above matter (excepting as to the receipt of dividend (*d*)).

Dated this day of 19 .

(Signed (*e*)).

Signature of Witness.

Address.

Notes.

1. When the creditor desires that his general proxy should receive dividends he should strike out the words "excepting as to the receipt of dividend" putting his initials thereto (*f*).

2. The authorized agent of a corporation may fill up blanks, and sign for the corporation, thus :—

For the Company.

J. S. (duly authorized under the seal of the Company).

3. A proxy given by a creditor may be filled up and signed by any person having a general authority in writing to sign for such creditor. Such person shall sign,

J. S. [duly authorized by a general authority in writing to sign on behalf of (*name of creditor*)] (*g*).

Dated this day of 19 .

Signature.

The proxy must be lodged with the Official Assignee not later than the day before the meeting at which it is to be used.

(*a*) If a firm, write "we" instead of "I," and set out the full name of the firm.

(*b*) Here insert either "Mr. of , a clerk, Manager, &c., in my regular employ," or "the Official Assignee in the above matter." The standing of the person appointed must be clearly set out.

(*c*) "My" or "our".

(*d*) See footnote 1.

(*e*) If a firm, sign the firm's trading title, and add "by A.B., a partner in the said firm." As to signature by agent, see foot-notes 2 and 3.

(*f*) It is not intended that the Official Assignee shall in any case receive dividends on behalf of a creditor.

(*g*) The Official Assignee may require the authority to sign to be produced for his inspection.

No. 49.

Special Proxy

(*Title.*)

I, (*a*) of , a creditor, hereby appoint (*b*) as (*c*) proxy at the meeting of creditors to be held on the, day of 19 , or at any adjournment thereof, to vote (*d*).

Dated this day of 19.

[Signed] (*e*)

Signature of Witness.
Address.

Notes.

1. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters :—

(*a*) For or against any specific proposal for a composition or scheme of arrangement.

(*b*) For or against the appointment of any specified person as member of the committee of inspection, or for or against the continuance in office of any specified person as member of a committee of inspection.

(*c*) On all questions relating to any matter other than those above referred to, arising at any specified meeting or adjournment thereof.

2. The authorized agent of a corporation may fill up blanks and sign for the corporation, thus :—

" For the Company.
J. S. (duly authorized under the seal of the company). "

3. A proxy given by a creditor may be filled up and signed by any person having a general authority in writing to sign for such creditor. Such person shall sign,

J. S. [duly authorised by a general authority in writing to sign on behalf of (*name of creditor*)] (*f*).

Dated this day of 19 . Signature.

The proxy must be lodged with the Official Assignee not later than the day before the meeting at which it is to be used.

(*a*) If a firm, write "we" instead of "I" and set out the full name of the firm.
(*b*) Here insert either "Mr. of " or "the Official Assignee in the above matter".
(*c*) "My" or "Our".
(*d*) Here insert the word "for or the word "against" as the case may require, and specify the particular resolution or other matter.
(*e*) If a firm, sign the firm's trading title and add "by A. B. partner in the said firm." As to signature by agent, see notes 1 and 2.
(*f*) The Official Asignee may require the authority to sign to be produced for his inspection.

No. 50.

Notice of Meeting where Insolvent submits an Offer of Composition or Scheme (where no Order for Summary Administration has been made).

(*Title.*)

(Under order of adjudication dated the day of 19 .

Notice is hereby given that a general meeting of the creditors of the abovenamed Insolvent will be held at on the day of 19 , at o'clock in the noon precisely.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the Insolvent for a composition (*or scheme*), the terms of which are set forth in the accompanying report, or any amendment of such proposal which in the opinion of the Official Assignee is calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Assignee not later than o'clock on the day of 19 .

Proxies and voting letters to be used at the meeting must be lodged not later than o'clock on the day of 19 .

Creditors who prove their debts, and whose proofs are admitted and who do not vote on the Insolvent's proposal, will be reckoned as voting *against* it.

Dated this day of 19 .

Official Assignee.

Address.

Notes.

1. Creditors who have proved may vote for or against the acceptance of the Insolvent's proposal by means of the voting letter attached to the Official Assignee's report.

2. A form of proof and forms of general and special proxy and a summary of the statement of affairs are sent herewith.

No. 51.

Notice of Meeting in a Summary Case where Insolvent submits an Offer of Composition or Scheme.

(*Title.*)

(Under order of adjudication dated the day of 19 .)

Notice is hereby given that a general meeting of the creditors of the abovenamed Insolvent will be held at on the day of 19 at o'clock in the noon precisely.

Creditors qualified to vote at such meeting may, by a resolution passed by a majority in number, and three-fourths in value, of all the creditors who have proved their debts, accept the proposal made by the Insolvent for a composition (*or* scheme), the terms of which are set forth in the accompanying report or any amendment of such proposal which in the opinion of the Official Assignee is calculated to benefit the general body of creditors.

Proofs of debts intended to be used at the meeting must be lodged with the Official Assignee not later than o'clock on the day of 19 .

Proxies and voting letters to be used at the meeting must be lodged not later than o'clock on the of 19 .

Creditors who prove their debts, and whose proofs are admitted and who do not vote on the Insolvent's proposal, will be reckoned as voting *against* it.

Official Assignee.

Address.

Notes.

1. Creditors who have proved may vote for or against the acceptance of the Insolvent's proposal by means of the voting letters attached to the Official Assignee's report.

2. A form of proof and forms of general and special proxy and a summary of the statement of affairs are sent herewith.

No. 52.

Proposal for a Composition.

(*Title.*)

I, , the abovenamed Insolvent, hereby submit the following proposal for a composition in satisfaction of my debts :—

1. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of an Insolvent shall be provided as follows :—

(*Set out terms of proposal so far as relate to preferential claims.*)

2. That provision for payment of all the proper costs, charges and expenses of and incidental to the proceedings and all fees and percentages payable to the Official Assignee and the Court shall be made in the following manner :—

(*Set out proposal for provisions, for fees, charges, costs, etc.*)

3. That the following composition shall be paid as hereinafter mentioned on all provable debts :—

(*Set out terms of composition.*)

4. That the payment of the composition be secured in the following manner :—

(*Set out full names and addresses of sureties (if any) and complete particulars of all securities intended to be given.*)

Dated this day of 19 .

(Signed) (*a*)

No. 53.

Proposal for a Scheme.

(*Title.*)

I, , the abovenamed Insolvent, hereby submit the following proposal for a scheme of arrangement of my affairs in satisfaction of my debts.

1. That—

(*Set out terms of scheme.*)

2. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of an Insolvent is provided for as follows :—

(*Set out or indicate by reference to the scheme how it is proposed to satisfy preferential claims.*)

3. That provision for payment of all the proper costs, charges and expenses of and incidental to the proceedings, and all fees and percentages payable to the Official Assignee and the Court is provided for as follows :—

(*Set out or indicate by reference to the scheme how it is proposed to provide for fees, costs, charges, etc.*)

(*Set out any other terms.*)

Dated this day of 19 .

(Signed) (*b*)

No. 54.

Report of Official Assignee to Creditors on proposal for Composition or Scheme, and Voting letter.

(*Title.*)

The Official Assignee in the above estate hereby reports :—

That the Insolvent has lodged with him a proposal for a composition (*or* scheme) to be submitted to the creditors, of which the following is a copy :—

(*Here set out fully the terms of proposal.*)

That the liabilities, as shown by the Insolvent's Schedule, amount to the sum of Rs. and the assets are estimated by the Insolvent at the sum of Rs. after payment of preferential debts.

(*a*) To be signed by the Insolvent ; in case of joint Insolvent's to be signed in the firm's name by such of the Insolvents as the Official Assignee shall require.

(*b*) To be signed by the Insolvent ; in the case of joint Insolvents to be signed in the firm's name by such of the Insolvents as the Official Assignee shall require.

That the value of the assets is (fairly estimated by the Insolvent) (*or, as the case may be*).

That the terms of the Insolvent's proposal (*set out particulars of proposal and observations on the proposal and the insolvent's conduct*).

Dated this day of 19 .

Official Assignee.

Address.

Voting Letter.

(*Title.*)

I, , of , a creditor in the above matter for the sum of Rs. hereby request the Official Assignee of the said estate to record my vote (*a*) the acceptance of the proposal as set forth in the report of the Official Assignee hereto annexed, $\frac{\text{and}}{\text{or}}$ (*b*) any amendment thereof which shall, in the opinion of the Official Assignee, be calculated to benefit the general body of the creditors.

Dated this day of 19 .

Signature of Creditor.

Signature of Witness.
Address.

No. 55.

Notice to Insolvent to attend Meeting of Creditors.

(*Title.*)

Take notice that a meeting of your creditors will be held on the day of 19 , at o'clock, at (*c*) and that you are required to attend thereat and submit to such examination and give such information as the meeting may require. And further take notice that if you fail to comply with the requirements of this notice, you will be guilty of a contempt of Court, and may be punished accordingly.

Dated this day of 19 .

Official Assignee.

To.

the above-named Insolvent.

(*a*) Insert here the word "for" or the word "against," as the case may require.

(*b*) Creditors may, if they think fit, authorize the Official Assignee to vote "against" the proposal now submitted but "for" such amendment thereof as may be satisfactory to the Official Assignee.

(*c*) Here insert place where meeting will be held.

No. 56.

Notice to Creditors of a Meeting, when the Insolvent has not submitted a Proposal for a Composition or Scheme.

(*Title.*)

(Under order of adjudication, dated the day of 19 .)

Notice is hereby given, that a meeting of creditors in the above matter will be held at on the day of 19 , at o'clock in the noon.

To entitle you to vote thereat your proof must be lodged with me not later than o'clock on the day of 19.

A form of proof and forms of general and special proxy are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than o'clock on the day of 19 .

Official Assignee.

Address.

(The Insolvent's schedule (*a*) .)

(*a*) Here insert " has not been filed " or " has been filed ".

No. 57.

Resolution accepting Composition

(*Title.*)

Minutes of resolution come to and proceedings had at a meeting of creditors held at this day of 19 , , Chairman.

Resolved as follows :—(*a*)

That the Insolvent's proposal for a composition, as set forth in the annexed paper writing marked " A " be accepted.

(If the Official Assignee is not to be the trustee for the purpose of receiving and distributing the composition, add here resolutions appointing a trustee, and fixing his remuneration.)

F. K. Chairman,

Number.	Assenting Creditors' Signatures.	Amount of Proof.	Number.	Dissenting Creditors' Signatures.	Amount of Proof.
		Rs. a. p.			Rs. a. p.

NOTE.—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

(*a*) Insert " unanimously " where the resolution is so carried.

No. 58.

Resolution accepting a Scheme of Arrangement

(*Title.*)

Minutes of resolution come to and proceedings had at a meeting of creditors held at this day of 19 .

Chairman.

Resolved as follows :—(*a*)

(*a*) Insert "unanimously" where the resolution is so carried.

That the Insolvent's proposal for a scheme of arrangement, as set forth in the paper writing hereunto annexed, and marked with the letter (*A*) be accepted.

That upon the Court approving this scheme of arrangement, Mr. of , shall be the trustee thereunder at (*here state remuneration*).

That shall be appointed the Committee of inspection under this scheme of arrangement for the purpose of superintending the administration of the debtor's property by the trustee (*b*) , of whom shall form a quorum.

(*b*) Insert number "two," or as the case may be.

That the provisions of section 88 of the Act shall, so far as the same are applicable, apply to the Committee of inspection under this scheme.

(*Here add any further resolutions that may be come to respecting the administration of the property, the carrying on and disposal of the debtor's business, &c., &c.*).

F. K. Chairman.

Number.	Assenting Creditors' Signatures.	Amount of Proof.	Number.	Dissenting Creditors' Signatures.	Amount of Proof.
		Rs. a. p.			Rs. a. p.

NOTE.—When a resolution is carried unanimously the creditors need not sign, but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 59.

List of Creditors assembled to be used at every meeting.

(Except a meeting at which a scheme or composition has been considered.)

(*Title.*)

Meeting held at this day of 19 .

Number.	Names of Creditors present or represented.	Amount of Proof.		
		Rs.	a.	p.
1				
2				
3				
4				
5				
6				
7				
7	Total number of creditors present or represented.			

No. 60.

List of Creditors for use at Meeting held for consideration of Composition or Scheme.

(*Title.*)

Meeting held at this day of 19 .

No.	Names of all creditors whose proofs have been admitted.	Here state as to each Creditor whether he voted, and if so, how, whether Personally, by Proxy or Voting Letter.	Amount of Assets.	Amount of admitted Proof.
			Rs. a. p.	Rs. a. p.
		Total ..		

Required number for majority .. ..
Required Value .. .. Rs.

No. 61.

Application to Court to appoint Day for approving Composition or Scheme.

(*Title.*)

Whereas at a meeting of creditors of the abovenamed Insolvent, held at on the day of 19 , a resolution to accept a (*a*) was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

(*a*) Composition or scheme of arrangement.

And whereas the public examination of the said Insolvent was concluded on the day of 19 .

Now the (*b*) applies to the Court to fix a day for the consideration of the abovementioned (*a*) .

(*b*) " Insolvent " or " Official Assignee."

The amount on which the commission of the Official Assignee will be payable is Rs.

Dated this day of 19 .

Insolvent [*or* Official Assignee].

Order.

Before

Upon reading the above application, and hearing it is ordered that the application for the consideration by the Court of the abovementioned (*a*) shall be heard at on the day of 19 at o'clock in the noon.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 62.

Application to Court to appoint Day for approving Composition or Scheme in a Summary Case.

(*Title.*)

Summary Case.

Whereas an order for the summary administration of the estate of the abovenamed was made by the Court on the day of 19 .

And whereas at a meeting of creditors of the abovenamed Insolvent, held at on the day of 19 , a resolution to accept (*a*) was duly passed by a majority in number representing three-fourths in value of all the creditors who have proved their debts.

(*a*) A composition or scheme of arrangement.

Now the (*b*) applies to the Court to fix a day for the consideration of the abovementioned (*a*)

(*b*) "Insolvent" or "Official Assignee."

The amount on which the commission of the Official Assignee will be payable is Rs.

Dated this day of 19 .

Insolvent [*or* Official Assignee].

Order.

Before

Upon reading the above application, and hearing , it is ordered that the application for the consideration by the Court of the abovementioned (*a*) shall be heard at on the day of 19 , at o'clock in the noon.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 63.

Notice to creditors of Application to Court to approve Composition or Scheme of Arrangement.

(*Title.*)

Take notice that application will be made to the above Court sitting at , on the day of 19 , at o'clock in the noon to approve the composition (*or* scheme of arrangement) as proposed by the said Insolvent and duly accepted by the statutory majority of the creditors at a meeting held on the day of 19 .

Dated this day of 19 .

Official Assignee.

No. 64.

Order of Court for General Meeting of Creditors.

(*Title.*)

Upon the application of *C. D.*, of , it is ordered that the Official Assignee do summon a meeting of the creditors of the Insolvent to be held at on the day of 19 , at o'clock in the noon (*here state the purpose for which meeting called*).

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 65.

Notice of Meeting (General Form).

(*Title.*)

Take notice that a meeting of creditors in the above matter will be held at , on the day of 19 , at o'clock in the noon.

(*Forms of general and special proxy are inclosed herewith.*)

(Here insert purpose for which meeting called.)

Agenda.

Dated the day of 19 .

(Signed) (*a*)

(*a*) "Official Assignee."

Address

No. 66.

Affidavit of Postage of Notices (General).

(*Title.*)

I, , the Official Assignee (or Clerk to the Official Assignee, as the case may be) in the above matter, make oath and say as follows :—

1. That I did on the day of 19 , send to each creditor who has proved in this matter, and also to all creditors mentioned in the Insolvent's schedule, a notice of (*a*) in the form hereunto annexed, marked "A".

(*a*) Insert here "the time and place of a general meeting" or "adjourned general meeting" or as the case may be.

2. That such notices were addressed to such of the said creditors who have proved their debts according to the addresses in their respective proofs, and to such as have not proved, according to their respective names and addresses appearing in the schedule of the said Insolvent.

3. That I sent the said notices by putting the same into the post office at before the hour of o'clock in the noon on the same day.

Signature.

Sworn at , this day of One thousand Nine hundred and

Before me

No. 67.

Certificate of Postage of Notices (General).

(*Title.*)

I, a clerk in the office of the Official Assignee, hereby certify :—

1. That I did on the day of 19 , send to each creditor who has proved in this matter and also to all creditors

mentioned in the Insolvent's schedule a notice of (*a*) in the form hereunto annexed and marked "A".

(*a*) Insert here "the time and place of a General Meeting" or "adjourned General Meeting" or as the case may be.

2. That such notices were addressed to such of the said creditors who have proved their debts according to the addresses in their respective proofs, and to such as have not proved, according to their respective names and addresses appearing in the schedule of the said Insolvent.

3. That I sent the said notices by putting the same into the Post Office at before the hour of o'clock in the noon on the same day.

Signature.

No. 68.

Notice to Official Assignee of Application to Court by Insolvent to approve Composition or Scheme.

(*Title.*)

Take notice that application will be made to the Court on the day of 19 , at o'clock in the noon, to sanction the composition (*or* scheme), approved on the day of 19 , by the statutory majority of creditors.

Dated this day of 19 .

G. H.

No. 69.

Affidavit by Special Manager.

I, of , make oath and say as follows:—

1. The account hereunto annexed marked with the letter A, produced and shown to me at the time of swearing this my affidavit, and purporting to be my account as special manager of the estate or business of the abovenamed Insolvent, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every items and particulars therein contained according to the best of my knowledge and belief.

Sworn, etc.,

No. 70.

Application for Directions by Official Assignee.

(*Title.*)

I desire to make application to the Court for its directions (*here state the particular matter in relation to which they are sought*).

Official Assignee.

Let this application be heard on the day of at o'clock in the noon, and let the Official Assignee give notice (*here insert the persons to whom it is to be given*).

Dated this day of 19 .

Chief Clerk.

No. 71.

Order on Application of Official Assignee for Directions.

(*Title.*)

Whereas at a Court held this day the Official Assignee of the estate of the Insolvent applied to the Court for its directions (*here state the particular matter in relation to which they are sought*). Now upon hearing *C. D.*, of on the matter, it is ordered (*here set out the order*), and that the Official Assignee do pay out of the property of the Insolvent the sum of the costs of this order and the sum of to *C. D.* for his costs (or that *C. D.* do pay the sum of the costs of this order).

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 72.

Notice of intention to Disclaim Lease.

(*Title.*)

Take notice that I intend to disclaim the lease dated whereby (*here specify property let*) was let to the abovenamed Insolvent at a rent of Rs.

If you do not within seven days after service of this notice upon you require me by notice in writing to bring the matter before the Court, I hereby disclaim the said lease as from the expiration of the said seven days.

Dated

To Mr. *X. Y.*

G. H. (Official Assignee).

No. 73.

Notice to Landlord of Intention to Disclaim Leasehold Property not Sublet or Mortgaged.

(*Title.*)

Take notice that I intend to disclaim the (*a*) dated whereby (*b*) was let to the abovenamed Insolvent at a rent of Rs.

If you require the matter to be brought before the Court, you must give notice thereof to me in writing within seven days of the receipt by you of this notice.

Dated this day of 19 .

Official Assignee.

Address.

To

The landlord of the above-mentioned property.

(*a*) Lease or tenancy as the case may be.
(*b*) Here specify property let.

No. 74.

Notice of Intention to Disclaim Leasehold Property Sub-Let or Mortgaged.

(*Title.*)

Take notice that I intend to disclaim the lease dated whereby (*a*) was let to (*b*) at a rent of Rs.

If you require the matter to be brought before the Court you must give notice thereof to me in writing within fourteen days of the receipt by you of this notice.

Dated this day of 19 .

Official Assignee.

Address.

To Mr.

The landlord of the above-mentioned premises and

To Mr.

The mortgagee or sub-tenant.

(*a*) Here insert particulars of demised property.
(*b*) The above-mentioned Insolvent or as the case may be.

No. 75.

Disclaimer without Notice.

(*Title.*)

I, , the Official Assignee of the property of the above-named Insolvent, hereby disclaim the (*a*) of the premises

(*a*) Lease dated the or as the case may be.

(*b*) which were let to the above-named Insolvent (*c*) at a rent of Rs. per Notice of this disclaimer has been given to (*d*)

Dated this day of 19 .

Official Assignee.

Address.

(*b*) Insert description of the property.
(*c*) On a tenancy or for a term of years or as the case may be.
(*d*) Insert names and addresses of persons to whom notice has been given.

No. 76.

Disclaimer of Leasehold Property after Notice to Landlord, Mortgagees, etc.

(*Title.*)

Pursuant to notice dated the day of address to (*a*) , I, , the Official Assignee of the estate of the abovenamed Insolvent, hereby disclaim the lease dated the day of 19 , whereby (*b*) were let to (*c*) at a rent of Rs. for a term of .

Notice of this disclaimer has been given to (*d*)

Dated this day of 19 .

Official Assignee.

Address.

(*a*) Here insert names and addresses of persons to whom notice of intention to disclaim has been given.
(*b*) Here insert particulars of demised property.
(*c*) The abovenamed Insolvent or as the case may be.
(*d*) Insert names and addresses of persons to whom notice of disclaimer has been given.

No. 77.

Disclaimer of Lease with Leave of Court.

(*Title.*)

Pursuant to an order of Court dated the day of 19 , I, , the Official Assignee of the estate of the abovenamed Insolvent, hereby disclaim all interest in the lease dated the day of 19 , whereby the premises (*a*) were demised to at a rent of Rs. per annum, for a term of .

Notice of this disclaimer has been given to

Dated this day of 19 .

Official Assignee.

(*a*) Insert description of the property disclaimed.

No. 78.

Notice of Disclaimer without the Leave of the Court.

(*Title.*)

Take notice that, by writing under my hand, bearing date the day of 19 , I, , the Official Assignee of the estate of the above-named Insolvent, disclaimed (*a*) of the premises known as (*b*) which were let to (*c*) at a rent of Rs. per (*d*)

The above-mentioned disclaimer has been filed in Court with the proceedings in the Insolvency.

Your attention is directed to the provisions of the Act printed on the back hereof.

Dated this day of 19 .

Official Assignee.

Address.

Note.—On the back of this notice the provisions of sub-section 2 of section 62, section 65, and sub-section (2) of section 66 of the Act should be printed.

No. 79.

Notice of Disclaimer of Lease with Leave of Court.

(*Title.*)

Take notice that pursuant to an order of Court dated the day of 19 , I, , the Official Assignee of the estate of the above-named Insolvent, by writing under his hand bearing date the day of disclaimed all interest in the lease dated the day of 19 , whereby the premises were (*a*) demised to at a rent of Rs. per annum for a term of

The above-mentioned disclaimer has been filed in Court with the proceedings in the Insolvency.

Dated this day of 19 .

Official Assignee.

Address.

To

(*a*) The lease dated the day of *or as the case may be.*
(*b*) Insert description of property disclaimed.
(*c*) On a tenancy or for the term of years *or as the case may be.*
(*d*) Add where necessary "pursuant to notice dated the day of 19 "

No. 80.

Form of Notice by Landlord or other Person requiring Official Assignee to bring matter of intended disclaimer of Property burdened with onerous Covenants before the Court.

(*Title.*)

To

The Official Assignee of the estate of the abovenamed Insolvent.

Sir,

I hereby give you notice that the said Insolvent was, at the date of the order of adjudication interested as a lessee (*or as the case may be*), in the property described in the schedule to this notice, and that as such lessee (*or as the case may be*) the Insolvent was liable in respect of (*set out the nature of the Insolvent's liability*) which liability has devolved on you as Official Assignee of his estate, and I hereby require you to bring the matter of your intended disclaimer of the Insolvent's interest in the said property before the Court.

I am, etc.,

(Signed) *A. B.*

State how interested in the property.

SCHEDULE to Notice when given by Lessor.

Date of Lease.	Names, Addresses and Descriptions of Parties to Lease.	Full Description of Property Leased.	Term and Rent.	Date of Assignment to Insolvent (if any).	Names and Addresses of Parties to Assignment (if any).	Particulars of any Notices of Mortgage of Lease by Insolvent.

SCHEDULE to Notice when given by Mortgagee or Assignee.

Date of Lease.	Names and Addresses of Parties to Lease.	Description of Property Leased.	Term and Rent.	Date of Mortgage.	Names and Addresses of Parties to Mortgage.	Term conveyed by Mortgage.	Amount secured by Mortgage.	Particulars of any Transfer of Mortgage, with Dates and Names and Descriptions of Parties thereto.

No. 81.

Notice to Creditors of Intention to declare Dividend.

(*Title.*)

A (*a*) dividend is intended to be declared in the above matter. You are mentioned in the Insolvent's schedule, but you have not yet proved your debt.

If you do not prove your debt by the day of 19 you will be excluded from this dividend. Dated this day of 19 .

G. H., Official Assignee.

To *X. Y.*

(Address.)

(*a*) Insert here "first" or "second" or "final" or as the case may be.

No. 82.

Notice of Dividend.

(*Title.*)

(Please bring this Dividend Notice with you)

Dividend of in the Re.

(Address.)

Date 19 .

Notice is hereby given that a dividend of in the Rupee has been declared in this matter, and that the same may be received at Office, as above, on the of or on any subsequent between the hours of .

Upon applying for payment, this notice must be produced entire, together with any bills of exchange or other securities held by you; and if you do not attend personally you must fill up and sign the subjoined forms of receipt and authority, when a cheque payable to your order will be delivered to the bearer.

(Signed)
G. H. (Official Assignee).

To

Note.—On application for the dividend this notice must be produced entire, and the bills or other securities held by you must be produced.

RECEIPT.

19 .

Received of the sum of Rs. as. and p. , being the amount payable to in respect of the dividend of in the Re. on claim against this estate.

Creditor's Signature.

Rs.

AUTHORITY.

Sir,

Please deliver to _____ the

(Insert the name of the person who is to receive the cheque or the words "me by post" if you wish the cheque sent to you in the way.)

cheque for the dividend payable to in this matter.

Creditor's Signature.

No. 83.

Notice to Persons claiming to be Creditors of Intention to declare Final Dividend.

(*Title.*)

Take notice that a final dividend is intended to be declared in the above matter and that if you do not establish your claim to the satisfaction of the Court on or before the day of 19 , or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend, without regard to such claim.

Dated this day of 19 .

G. H., Official Assignee.

(Address).

To *X. Y.*

No. 84.

Notice to Creditor of Intention to Pay Composition.

(*Title.*)

Notice is hereby given that a composition is intended to be paid in the above matter.

Your name is included in the list of creditors in the Insolvent's schedule, but you have not yet proved your debt.

The last day for receiving proofs is the day of 19 .

Dated this day of 19 .

Official Assignee.

No. 85.

Notice to Insolvent under section 60.

(*Title.*)

To *A. B.*

Take notice that I intend to apply to this Court on the day of 19 , at o'clock in the noon, for an order under section 60 of the Act for the payment of a part of your salary (or income)

to the Official Assignee for the benefit of the creditors under your Insolvency.

Dated this day of 19 .

G. H., Official Assignee.

No. 86.

Order setting aside Pay, Salary, etc., under section 60 (1).

(*Title.*)

Whereas it appears to the Court that the said Insolvent is (*or here state what the Insolvent is*), and as such is in the enjoyment of the monthly pay (*or* salary) of Rs. ; and whereas upon the application of the Official Assignee of the estate of the Insolvent (*or C. D.*, a creditor of the Insolvent), it appears to the Court just and reasonable that the monthly sum of Rs. , portion of the said pay (*or* salary), ought to be paid to the Official Assignee during the Insolvency, in order that the same may be applied in payment of the debts of the said Insolvent, and that such payment ought to be made out of the first moneys which shall be due after the day of 19 and be continued until this Court shall make order to the contrary ; it is ordered, that such portion of the (*here insert pay or salary*) shall be paid to the Official Assignee accordingly.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 87.

Order setting aside Salary or Income, etc., under section 60 (2).

(*Title.*)

Whereas it having been made to appear to this Court that the Insolvent is in the receipt of (or entitled to) a salary (or income) of about Rs. , as (*here set forth the circumstances under which the salary or income is received*) : And whereas upon the application of the Official Assignee of the estate of the Insolvent, and upon hearing the Insolvent, it appears to the Court just and reasonable that the monthly sum of Rs. , portion of the said salary (*or* income), ought to be paid by the Insolvent by monthly (or quarterly) payment (*according as the Insolvent receives his salary or income*), to the Official Assignee during the Insolvency, in order that the same may be applied in payment of the debts of the said Insolvent and that the first of such payments ought to be made on the day of 19 , and be continued monthly (or quarterly) until this Court shall make order to the contrary : it is ordered that the said sum shall be paid by in manner aforesaid out of the Insolvent's said salary (or income).

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 88.

Admission of the debt by Debtor of Insolvent.

(*Title.*)

In the matter of *A. B.* of , an Insolvent
I, the undersigned *J. K.*, of , do hereby admit that I am indebted to the said Insolvent in the sum of Rs. , upon the balance of accounts between myself and the said Insolvent.

Dated this day of 19 .

J. K.

Witness,
C. D., Chief Clerk,
or
(Official Assignee).

No. 89.

Order to pay debt under section 36.

(*Title.*)

Upon reading the examination of *J. K.* taken this day, and signed and subscribed by him, and upon hearing and upon taking evidence and the Court is satisfied that the said *J. K.* is indebted to the said Insolvent in the sum of Rs. , on the balance of accounts between him and the Insolvent; and it is ordered that the said *J. K.* do pay to the Official Assignee of the estate of the Insolvent, in full discharge of the said sum, the sum of Rs. , forthwith (*or if otherwise state the time and manner of payment*), and do further pay to the said Official Assignee the sum of Rs. for costs.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 90.

Search Warrant.

(*Title.*)

Whereas by evidence duly taken upon oath it had been made to appear to the Court that there is reason to suspect and believe that property of the said Insolvent is concealed in the house (*or other place, describing it, as the case may be*) of one *X. M.*, of in the of such house (*or place*) not belonging to the said Insolvent.

These are therefore to require you to enter in the day-time into the house (*or other place describing it*) of the said *X. M.*, situate at aforesaid, and there diligently to search for the said property, and if any property of the said Insolvent shall be there found by you on such search,

that you seize the same, to be disposed of and dealt with according to the provisions of the Act.

Dated this day of 19 .

Chief Clerk.

To the *X. Y.* Officer of this Court and his assistants.

No. 91.

Warrant of Seizure.

(*Title.*)

Whereas on the day of 19 , an order of adjudication was made against the said Insolvent :—These are therefore to require you forthwith to enter into and upon the house and houses, and other premises of the said Insolvent, and also in all other place and places belonging to the said Insolvent where any of his goods and moneys are, or are reported to be ; and there seize all the ready money, jewels, plate, household stuff, goods, merchandise, books of account, and all other things whatsoever, belonging to the said Insolvent, except his necessary wearing apparel, bedding and tools, etc., as excepted by the Act.

And that which you shall so seize you shall safely detain and keep in your possession until you shall receive other orders in writing for the disposal thereof from the Official Assignee ; and in case of resistance or of not having the key or keys of any door or lock of any premises belonging to the said debtor where any of his goods are or are suspected to be, you shall break open, or cause the same to be broken open for the better execution of this warrant.

Dated this day of 19 .

Chief Clerk.

To the *X. Y.* Officer of this Court and to his assistants.

No. 92.

Warrant against Insolvent about to quit India.

(*Title.*)

To *X. Y.* the Officer of this Court and all Police officers within the jurisdiction of this Court, and to the governor or keeper of the (here insert the prison).

Whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of this Court that there is a probable reason to believe that the said *A. B.*, of has absconded (*or* quitted *or* is about to abscond) with a view of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in Insolvency.

(*Or* that there is probable reason for believing that the said *A. B.* is about to remove his goods with a view of preventing or delaying such goods being taken possession of by the Official Assignee of the estate of the Insolvent, *or* that there is probable reason for believing that the said *A. B.* has concealed or is about to conceal or destroy his goods or some of them or his books, documents, or writings, or some or one of them, which books, documents, or writings, or some or one of them, may be of use to the creditors in the course of the Insolvency of the said *A. B.*).

(*Or* whereas, by evidence taken upon oath, it hath been made to appear to the satisfaction of this Court that the said *A. B.* has removed certain of his goods and chattels in his possession, above the value of Rupees fifty, without the leave of the Official Assignee, that is to say) (*here describe the goods or chattels*).

These are therefore to require you the said , to take the said *A. B.* and to deliver him to the governor or keeper of the above-named prison, and you the said governor or keeper to receive the said *A. B.* and him safely to keep in the said prison until such time as this Court may order.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 93.

Summons under section 36.

(*Title.*)

To , of .

You are hereby required to attend at the Court of , holden at , on the day of 19 , at o'clock in the noon, to give evidence in the above matter, and then and there to have and produce*

Hereof if you fail, having no lawful impediment to be then made known to the Court, and allowed by it, the Court may by warrant cause you to be apprehended and brought up for examination.

Dated this day of 19 .

Chief Clerk.

* State any particular documents required, *e. g.*, all ledgers and books of account, invoices, statement of account, letters, books, papers and documents, of every kind in any manner relating to your dealings and transactions with *A. B.*, an Insolvent, touching a debt alleged to be due by you to the said Insolvent's estate amounting to the sum of Rs.

Note.—This summons is issued on the application of the Official Assignee (or *A.B.*, a creditor) and take notice that if the sum of Rs. stated to be due by you to this estate, be paid to , Official Assignee, at , on or before the day of this summons will be discharged.

No. 94.

Application by Official Assignee for committal of Insolvent or other Person.

(*Title.*)

I, the Official Assignee of the estate of the said Insolvent (*or as the case may be*), do apply to this Court for an order of committal for contempt of this Court against the said Insolvent (or *L. M.*,), on the ground set forth in the annexed affidavit.

Dated this day of 19 .

G. H., Official Assignee.

No. 95.

Affidavit in support of Application for committal of Insolvent for Contempt under section 33.

(*Title.*)

I, *G. H.*, the Official Assignee of the estate of the said Insolvent, make oath and say :—

Where Insolvent does not submit to examination.

(1) That the said Insolvent did attend at a meeting of his creditors held on the day of 19 , at , and wilfully refused to submit to be examined at such meeting in respect of his property (or his creditors), the submitting to examination being a duty imposed upon him by the Act.

Where Insolvent fails to attend meeting.

(1) That the said Insolvent did wilfully fail to attend a meeting of his creditors held on the day of 19 , at (or to wait on me at my office on the day of 19), the attending of such meeting (or waiting on me) being a duty imposed upon him by the Act.

Where Insolvent fails to execute a deed.

(*or* 1. That the said Insolvent has wilfully failed to execute (*here describe the deed, etc., that he has failed to execute*), the execution of such deed when required by me being a duty imposed upon him by the thirty-third section of the Act).

Where Insolvent fails to attend a meeting; or to execute a deed.

2. (That the said Insolvent was on the day of 19 , duly served with a notice, a copy of which is hereunto annexed, by leaving the same at his usual place of residence requiring him to attend the said meeting), (*or* to execute the abovementioned deed, etc.)

Where Insolvent fails to obey special orders of Court.

(*or* 1. That the said Insolvent has wilfully failed to perform the duty imposed upon him by the thirty-third section of the Act) (*here insert any act he has been required to do by any special order of the Court, stating the day on which the order was made.*)

Where Insolvent has failed to deliver up property.

2.—(That the said Insolvent was duly served with a copy of such order by leaving the same at his usual place of residence on the day of 19 .)

(*or* 1. That the said Insolvent has failed to deliver up possession of (*here state the property he has failed to deliver up*), which property is divisible amongst his creditors under the Act, and which said property was (*or* is) in his possession or control, he having been required by me to deliver up the said property by notice, a copy of which is hereunto annexed, and which notice was duly served upon him on the day of 19 , at .)

Sworn at, etc.

G. H.

No. 96.

Affidavit of Official Assignee under Section 58 (5).

(*Title.*)

I, *G. H.*, the Official Assignee of the property of the said *A. B.*, an Insolvent, make oath and say:—

1. That I believe that *L. M.*, of , hath in his possession or power as (*here set out the capacity in which the person stands to the Insolvent*) certain moneys (and securities) belonging to the Insolvent, that is to say (*here set out and describe the particular moneys and securities*).

2. That on the day of 19 , I did apply personally to the said *L. M.* to pay and deliver to me the said moneys and securities, and that he did not then, nor has he since paid or delivered to me the same (*or* That I, on the day of , posted a letter to the said *L. M.*, addressed to him at , calling upon him to, etc., and that on the day of 19 , I posted another letter by which I again called upon him to, etc., and that he failed to pay and deliver the same).

3. That I firmly believe that the said *L. M.* is not entitled by law to retain such moneys (and securities) as against the Insolvent or against me as the Official Assignee of the property of the Insolvent.

Sworn at, etc.

G. H.

No. 97.

Notice of Application for Committal under Section 30 (2).

(*Title.*)

To

Take notice that *C. D.*, of , will on the day of 19 , at o'clock in the noon, apply to this

Court for an order for your committal to prison for contempt of this Court, you having disobeyed the order of this Court made on the * day of 19 (*here set out order*). And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this day of 19 .

Chief Clerk.

No. 98.

Order of Committal under Section 30 (2).

(*Title.*)

Whereas by an order of this Court made on the day of 19 (*here recite the order*). Now, upon the application of *C. D.*, of , and upon hearing *A. B.* (*or, as the case may be*), (*or if he does not appear*) reading the affidavit of (*here insert name and description of person by whom the order was served on A. B.*) and upon reading the affidavit of (*enter evidence*), the Court being of opinion that the said *A. B.* has been guilty of a contempt of this Court by his disobedience of the said order, it is ordered that the said *A. B.* do stand committed to (*here insert prison*) for the said contempt.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 99.

Notice of Application for Committal under Section 33.

(*Title.*)

To the said *A. B.*, Insolvent.

Take notice that the Official Assignee of the property of the said Insolvent will on the day of 19 , at o'clock in the noon, apply to this Court for an order for your committal to prison for contempt of this Court, you having failed to perform the duty imposed on you by the thirty-third section of the said Act (*here set out the duty he has failed to perform*). And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this day of 19 .

Chief Clerk.

No. 100.

Affidavit of Person interested in a Composition for Committal.

(*Title.*)

In the matter of a composition made by *A. B.*, of I, *F. M.*, of make oath and say :—

1. That of was by an order of this Court made on the day of 19 , ordered to (*here set out the order*).
2. That a copy of the said order was duly served on the said
3. That the said has failed to obey such order.

Sworn at, etc.

F. M.

No. 101.

Notice of Application for Committal under Section 58 (5).

(*Title.*)

To (*here insert name, address and description of the persons to whom the notice is to be sent*).

Take notice that the Official Assignee of the property of the said insolvent will on the day of 19 , at o'clock in the noon, apply to this Court for an order for your committal to prison for a contempt of this Court, you having failed to pay and deliver to him certain moneys (and securities) belonging to the insolvent in your possession or power as (*here state whether as treasurer, banker, etc.*), that is to say (*here set out and describe the particular moneys and securities*). And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated this day of 19 .

Chief Clerk.

No. 102.

Order of Committal under Section 33.

(*Title.*)

Upon the application of the Official Assignee of the property of the Insolvent, and upon hearing the Insolvent (*or if he does not appear*) and reading the affidavit of (*here insert name and description of person by whom the notice to show cause was served*), and upon reading the affidavit of (*enter evidence*), the Court being of opinion that the Insolvent has been guilty of a contempt of this Court by having failed to (*here follow the notice*), it is ordered that the said Insolvent do stand committed to (*here insert prison*) for his said contempt.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 103.

Order of Committal under Section 58 (5).

(*Title.*)

Upon the application of the Official Assignee of the property of the Insolvent, and upon hearing *L. M.* (*or if L. M. does not appear*) and reading

the affidavit of (*here insert name and description of person by whom the notice to show cause was served*) and upon reading the affidavit of (*enter evidence*), the Court being of opinion that *L. M.* has been guilty of a contempt of this Court by having failed to pay and deliver to the said Official Assignee certain moneys and securities (*here follow the notice*), and that the said *L. M.* do stand committed to (*here insert prison*) for the said contempt.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 104.

Warrant of Committal for Contempt.

(*Title.*)

To *X. Y.*, officer of this Court, and to the governor or keeper of the (*here insert the prison*).

Whereas by an order of this Court bearing date the day of 19 , it was ordered that the said debtor (or *L. M.*, of) should stand committed for contempt of this Court.

These are therefore to require you the said *X. Y.* and others, to take the said *A. B.* (or *L. M.*) and to deliver him to the governor or keeper of the above-named prison, and you the said governor or keeper to receive the said *A. B.*, and him safely to keep in the said prison and in your custody until such time as this Court shall order ; and you the said governor or keeper shall, while the said *A. B.* is in your custody, at all times when the Court shall so direct, produce the said *A. B.* before the Court.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 105.

Warrant to apprehend a Person summoned under Section 36.

(*Title.*)

To *X. Y.* and his assistants of this Court.

Whereas by summons or subpœna dated the day of 19 , and directed to the said *A. B.* of (or to *F. M.* of), he was required personally to be and appear on the day of instant, at o'clock in the the noon at this Court, to be examined ; and which said summons or subpœna was afterwards on the day of 19 , as hath been proved upon oath, duly served upon the said , and a reasonable sum was tendered him for his expenses. And whereas the said ,

having no lawful impediment made known to or allowed by this Court, hath not appeared before me as by the said summons or subpœna he was required, but therein has wholly made default. These are therefore to will, require, and authorize you and every of you to whom this warrant is directed, immediately upon receipt hereof, to take the said and bring him before this Court on the day of in order to his being examined as aforesaid, and for your so doing this shall be your sufficient warrant.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 106.

Order for Discharge from Custody on Contempt.

(*Title.*)

Upon application made this day of for *A. B.*, who was committed to prison for contempt by order of this Court, dated the day of 19 , and upon reading his affidavit showing that he has cleared (*or* is desirous of clearing) his contempt, and has paid the costs occasioned thereby, and upon hearing the Official Assignee (*or C. D.* of), it is ordered that the governor or keeper of (*here insert name of prison*) do discharge the said *A. B.* out of his custody, as to the said contempt.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 107.

Order for Production of Person in Prison for Examination before Court.

(*Title.*)

Upon application made this day of by (applicant) for an order for the production of *A. B.*, who was committed to prison for contempt by order of this Court dated the day of for examination before this Court; it is ordered that the governor or keeper of (*insert name of prison*) do cause the said *A. B.* to be brought in custody before the Court at on the day of for examination before the Court and afterwards to be taken back to the said prison to be there safely kept pursuant to the said order.

Dated this day of 19 .

By the Court,
Chief Clerk.

No. 108.

Order to Presidency Postmaster under Section 35.

(*Title.*)

Upon the application of the Official Assignee of the property of the above Insolvent, it is ordered that for a period of three months from (*here insert the date*) all post letters, whether registered or unregistered, parcels and money orders directed or addressed to the said Insolvent and his firm at (*here insert the full address or addresses*) shall be redirected, sent, or delivered by the Presidency Postmaster or officers acting under him to the said Official Assignee at (*or otherwise as the Court may direct*), and that a sealed duplicate of this order be forthwith transmitted by the Official Assignee to the Presidency Postmaster, or officers acting under him.

Dated this day of 19 .

By the Court,

Chief Clerk.

No. 109.

Memorandum of Advertisement or Gazetting.

(*Title.*)

Name of Paper.	Date of Issue.	Date of Filing.	Nature of Order, &c.

(Signed)

Chief Clerk.

No. 110.

Certificate of the Official Assignee to amend Insolvent's Schedule.

OFFICIAL ASSIGNEE'S OFFICE,

Bombay_____

Re_____

To

THE CLERK,

Insolvent Court, Bombay.

Sir,—I have no objection to the following amendment being made by the Insolvent.

Your truly,

Official Assignee.

APPENDIX II.

Fees to be levied by the Chief Clerk.

	Rs.	a.
For filing petition including entry of the same in the record book	2	0
For filing petition under section 109 of the Act	10	0
For filing Schedule (or amended Schedule) and entering ..	1	0
For every summons and every precept, each	1	0
For every other document which requires to be filed ..	0	8
For minuting in the minute book every rule and proceeding and for every copy thereof, each per folio of 90 words ..	0	5
For the drawing and fair copying of every warrant to the Sheriff to bring up a prisoner or to discharge, release or further imprison him and of all orders, each per folio ..	0	5
For office copies of all proceedings or accounts, per folio ..	0	5
For every certificate	1	0
For each search in his office in answer to inquiry	1	0
For reading and marking every exhibit or other proceeding read in Court	1	0
For each subpœna	1	0
For every application for an order of discharge	2	0
For entering notice of opposition	2	0
For entering notice of motion	1	0
For entering a case in the list of costs for each day's hearing	1	0
For every attendance before the High Court with record, books or papers from his office or in cases appealed or order ..	3	0
For affixing the seal	1	0
For every attendance in the Court or a Judge at Chambers with papers from his office by order of the Court or a Judge or at the request of a party	2	0
For every attendance at any Court other than the High Court with papers from his office by order of such Court or at the request of any party. At a criminal court no fee but only such reasonable expenses as may be actually incurred shall be charged	10	0
For every transmission by post or by messenger to any Court other than the High Court of papers from his office by order of such Court or at the request of any party	10	0
For calling on each case to be heard	1	0
For every oath administered to the Insolvent and the witness, each	1	0
For preparing every notice and advertisement per folio including sending the same to the Gazette	0	5
For serving each notice in the island of Bombay	0	12
For every service by general post	0	4

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Fees to be levied by the Sheriff.

The fees to be levied by the Sheriff shall be regulated, so far as they refer to the Presidency-Towns Insolvency Act and the Rules made under it, by the table of fees sanctioned under Government Notification No. 4758, dated 28th June 1897, and published at page 317 of the Rules and Forms of the High Court of Bombay, 1909.

Fees to be levied by the Official Assignee.

	Rs.	a.
For every certificate	1	0
For each copy vesting order	1	0
For each search in his office in answer to inquiry	1	0
For each inspection in his office of office records or Insolvent's account books or papers	1	0
For office copies of all proceedings, papers, letters and accounts, per folio	0	5
For producing in the Translator's Office for translation entries from Insolvent's books of account	3	0
For every attendance before the High Court with books or papers from his office by order of the Court or at the request of any party	3	0
For every attendance in the Court or a Judge at Chambers with papers from his office by order of the Court or a Judge or at the request of a party	2	0
For investigation of accounts and other matters referred by the Court and for reporting thereon to the Court, for each hour employed thereon	16	0
For investigation of accounts and other matters referred by the Court and for reporting thereon to the Court for less than an hour	10	0
For every attendance at any Court other than the High Court with papers from his office by order of such Court or at the request of any party. At a Criminal Court no fee but only such reasonable expenses as may be actually incurred shall be charged	10	0
For every transmission by post or by messenger to any Court other than the High Court of papers from his office by order of such Court or at the request of any party	10	0
For the execution by the Official Assignee of any conveyance of immoveable property, when no portion of the purchase money is received by him for the benefit of the creditors at large, a fee at the rate of 12 as. per cent. upon the amount of the purchase money payable by the party requiring such execution, provided that such fee in the whole shall never exceed	100	0